Vol.I-A

GHADR MOVEMENT ORIGINAL DOCUMENTS

(LAHORE CONSPIRACY CASES I AND II)

Includes Bhagat Singh's Comments and Individual Judgements

Malwinder Jit Singh Waraich
Harinder Singh

* (asterisk marks) on the margins indicate Bhagat Singh's insertions. – Eds.

JUDGEMENTS

Lahore Conspiracy Case

In *re* King Emperor *versus* Anand Kishore and Others.
Charges under Sections 121,123,396 and others.
Trial opened on 26th April 1915
Judgement delivered on 13th September 1915
&
Supplementary Lahore Conspiracy Case

In re King Emperor versus Amar Singh and Others.
Charges under Sections 121, 123, 396 and others.
Trial opened on 29th October 1915
Judgement delivered on 16th March 1916

By Special Tribunal

1. A.A.IRVINE, President, Commissioner.
2. T.P. ELLIS, Special Commissioner.
3. SHEO NARAIN, Special Commissioner.

The Special Tribunal had divided the Judgements into four parts:

Part I is introductory;

Part II contains its decision on law points, the synopsis of approvers' statements and their corroborations by oral and documentary evidence;

Part III contains a history of the origin of the conspiracy, its development into actual waging of war and the doings of the revolutionists;

Part IV includes discussion of cases of individual accused.

PART-I

Introductory

The complaint charges 81 accused, of whom 18 were absconders at the date of the complaint. One of the absconders Nidhan Singh No. 54 was apprehended after the complaint and was produced on the 1 st of May, leaving 17 absconders. Of these 17 absconders Buta Singh (12) and Banta Singh (6) have been arrested during the hearing of the case and tried and executed for complicity in the Walla Bridge murders and the murder of S. Chanda Singh. Bir Singh (11) has been arrested too late to be tried jointly with other accused. By a supplementary complaint Rur Singh was charged under the same sections as detailed in the first complaint except with offences under the Explosives Act. On the 3rd of May he was ordered by us to be placed in the dock to be tried jointly with the other accused.

One of the accused Umrao Singh has been tendered a pardon and has given evidence for the Crown.

Of the accused persons, including the absconders Arjun Singh No. 3 (absconder) is a native of Lohatbadi (Nabha State) Hirde Ram No. 27 is of Mandi State, Pirthi Singh No. 58 of Patiala State, Ram Saran Das 64 of Kapurthala State, Sewa Singh No.71 of Nabha State and Dalip Singh No. 14 of Patiala State. Anand Kishore No. 1 (discharged), Kidar Nath No. 48 are residents of Lahore; Bhai Parma Nand No. 56 originally resident of Jhelum District is practically a resident of Lahore.

1) The following belong to the Amritsar District:–
   - Baj Singh, No.4
   - Balwant Singh, No. 5
   - Bakhshish Singh, No. 7
   - Bishen Singh, No. 9
   - Bishen Singh, No. 10
   - Gujar Singh, No. 19
   - Hardit Singh, No. 20
   - Hazara Singh, No. 25

   - Jowala Singh, No. 36
   - Kala Singh, No. 38
   - Kehr Singh, No. 41
   - Kesar Singh, No. 43
   - Khushal Singh, No. 45
   - Lal Singh, No. 49
   - Mangal Singh, No. 51
   - Naurang Singh, No. 55
   - Sawan Singh, No. 69
   - Sher Singh, No. 73
   - Sohan Singh, No. 74
   - Surain Singh, No. 75
   - Surain Singh, No. 76
   - Udham Singh, No. 77
   - Wasakha Singh, No. 80
   - Wasawa Singh, No. 81.

2) The following 9 belong to the Lahore District:–
   - Gurdit Singh, No. 18
   - Harnam Singh, No. 22 (discharged)
   - Inder Singh, No. 29
   - Inder Singh, No. 30
   - Jaggat Singh, No. 32
   - Jawand Singh, No. 34
   - Kala Singh, No. 37
   - Madan Singh, No. 50
   - Prem Singh, No. 61.

3) Banta Singh, No. 6, belongs to the district of Jullundur.

4) The following 7 belong to the Hoshiarpur District:–
   - Bir Singh, No. 11
   - Harnam Singh *Tunda,* No. 21
   - Jaggat Ram, No. 31
   - Jawand Singh *alias* Jaswant Singh, No. 35
   - Ram Rakha, No. 65
   - Shiv Singh, No.72
   - Piyara Singh, No. 60.

5) The following 19 belong to the Ludhiana District:–
   - Anokh Singh, No. 2
   - Bhan Singh, No. 8

Buta Singh, No. 12
Chuhar Singh, No. 13
Dewa Singh, No. 15
Gurmukh Singh, No. 17
Inder Singh, *Granthi,* No. 28
Kartar Singh, No. 39
Karam Singh, No. 40
Kehr Singh, No. 42
Kharak Singh, No. 44
Kirpal Singh, No. 46
Kishen Das, *Sadh*, No. 47
Nand Singh, No. 53
Puran Singh, No. 62
Rulia Singh, No. 68
Sajjan Singh, No. 70
Urnrao Singh, No. 78 (afterwards made an approver)
Uttam Singh *alias* Raghu Singh, No. 79

6) The following 5 belong to the Ferozepore District:-
Gandha Singh *alias* Bhagat Singh, No. 16
Hari Singh, No. 26
Nidhan Singh, No. 54
Roda Singh, No. 67
Rur Singh, No. 82.

7) Harnam Singh, No. 24, belongs to the Sialkot District.

* 8) Mathra Singh, No. 52, is from the Jhelum District.

9) Harnam Singh, No. 23, is of Rawalpindi District.

10) The following belong to places outside the Punjab:–
Jamna Das *alias* Charan Das, No. 33, of Barabanki, and Parma Nand II, No. 57, of Hamirpur, both of United Provinces.
Pingley, No. 59, of Poona.
Rao, No. 63, unknown.
Rash Behari Bose, No. 66.

Thus we have 33 accused from *Majha* region (Amritsar, Lahore)*;* and if we include 4 from adjoining Native States of Patiala and Nabha to the Ludhiana and Ferozepore men, we have 28 from the *Malwa* tract; if we add one from Kapurthala State one from Mandi to the number from Hoshiarpur and Jullundur, we have the figure 10 from *Doaba.* There are three from

other districts and five from outside and three from the town of Lahore.

The following are returned emigrants:–

Accused No. 4, 5, 6, 8, 9, 10, 11, 12, 16, 17, 18, 19, 21, 22, 23, 25, 28, 29, 31, 32, 34, 35, 36, 37, 39, 41, 43, 51, 52, 53, 54, 57, 58, 59, 60, 61, 65, 67, 68, 72, 73, 74, 77, 78 (approver), 79, 80, 81, 82.

We have stated that there are six accused who are subjects of Native States, two of whom are absconders; of the remaining four, No. 14, Dalip Singh is charged with a dacoity in British territory and is triable by British Courts. He was arrested in British India carrying the proceeds of Rabbon dacoity. Hirde Ram, No. 27, is charged in respect of his action in British India. Thus there is nothing against our taking cognisance of the offences with which they are charged. Pirthi Singh No. 58, and Ram Saran No. 64 are charged with offences committed outside British India as well as with offences committed in British India in pursuance of the conspiracy. Regarding them we have to state the law according to which we have jurisdiction over them.

* In *Archbold's Criminal Pleadings* (24th Edition, page 33), the rule is thus laid down and it is applicable when it is remembered that the results of the conspiracy manifested themselves in British India:

> "In indictments for conspiracies or other misdemeanours, the venue may be laid in any country in which it can be proved that an act was done by any one of the offenders in furtherance of their common design. R.V. Burdett, 4 B. and Aid. 95; 1 St. Tr. (N.S.) 1.116.
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> "It has been doubted whether these rules apply to offences part of the essential elements of which take place outside England. R.V., Ellis (1899) 1 Q.B. 230 Cf. Badische Anilin and Soda Fabrik V.Basle Chemical Works (1898) App. Cas. 200,204. But a person, who from a foreign country, initiates acts which take effect in England and are criminal by the law of England, appears to be liable to indictment and punishment in the country or place in England in which the acts took effect. See R. V. Oliphant (1905) 2 K.B. 67. 75 L.J. (K.B.) 15; 21 Cox, 192; R.V. de Marny (1907) 1 K.B. 388; 78 L.J. (K.B.) 210: R.V. Stoddart (1909) 73 J.P. 348; 2 Cr. App R. 217; 1 Russ. Cr. (7th Ed.) 52 et seq. (a)."

Turning now to section 121 A, Indian Penal Code, the words

"whoever within or without British India conspires to commit any of the offences punishable by section 121" clearly establish that in so far as charges under 121 A are concerned, the section itself covers conspiracies formed outside British India (see also Queen *versus* Mohd. Shaffi. Government Record, Vol. 42, page 103, cited at P. Kineally's Penal Code, new edition, page 74-752 W.R. 60 Criminal.)

Of course, Native Indian subjects are triable in British India for offences punishable by the Indian Penal Code committed by them outside it. (Section 4 of Indian Penal Code)

> We commenced the trial of this case, sent to us by the Local Government under the provisions of the Defence of India Act, on the 26th April 1915. The Government Advocate tendered the requisite sanctions; and the order of the Local Government with the complaint, which is a printed document of some 15 pages. The indictment in brief is, except in thecase of Dalip Singh (14), a local dacoit, that a conspiracy to wage war and overthrow the British Government in India was formed in America in May 1913, * and a number of Indians returned to India with that intent in 1914. In India several recruits to the organisation were added. In carrying out the objects of the conspiracy, *inter alia* dacoities, sometimes with murder, were committed in order to obtain money wherewith to purchase arms; attempts, sometimes successful, to seduce troops were made; arms and ammunition procured, bombs manufactured, police officers murdered and revolutionary literature was circulated in America *en route* to India, and in India after arrival.

The Crown was represented by Mr. C. Bevan Petman, Government * Advocate, and Mr. Taj-ud-Din Kureshi, Pleader.

The accused were represented as follows:–

Mr. Rauf Ali, Lala Bishan Math for Anand Kishore (No. I)
Mr. Rauf Ali for Kedar Nath Sahgal.
Mr. Rughnath Sahai for Bhai Parma Nand No. (56).
Mr. Hakumat Rai for No. (71), (76), (81), (45), (69)
Mr. Bakhshi Gokal Chand for No. (4).'

For the defence of the accused who had engaged no counsel, the following were retained by the Court:–

Mr. Rauf Ali.
Mr. Rughnath Sahai.
Lala Labhoo Ram.
Dr. Shuja-ud-Din.
Dr. Alam.
Mr. Sawney.
Mr. M. L. Puri.

> The Government Advocate opened the case with great clearness, taking 20 days in giving a summary of the evidence he proposed to call in support of the complaint.

Preliminary objections by Mr. Rughnath Sahai to certain sections of the Defence of India Act and some of the rules framed by the Local Government thereunder were overruled by our order dated the 6th May 1915, which runs as follows:–

> "After the Government Advocate had closed his opening address, and tendered a witness for the prosecution for examination, Mr. Rughnath Sahai, who represented some of the accused, took two legal objections; one in regard to section 6, sub-section 1, of Act IV of 1915, and the other regarding the validity of rules 4 and 6 framed by the Local Government in pursuance of the Act. Counsel for other accused adopted his argument. After hearing counsel, we overruled the objections, promising to write a detailed order, which we now proceed to do."

Mr. Rughnath Sahai argued that section 6, sub-section 1, of the Act was *ultra vires* of the Legislature, because the words "any person" in the section include a British-born subject; and it is laid down by Parliamentary statutes the previous sanction of the Secretary of State for India in Council is requisite to enable the Legislative Council of the Governor-General to legislate regarding British-born subjects. He argued that, no such sanction having been obtained, the section is *ultra vires* even though his clients who are effected by the section are not British-born subjects (Government of India, Ilbert, page 200). In other words, the sub-section is to be whole-sale rejected.

There is nothing before us to show that such sanction has not been obtained, and we cannot presume the negative; rather we should presume that all requisite formalities must have been complied with. Next, we are not called upon to decide a hypothetical case of a British-born subject claiming the privilege of the Parliamentary Statute. It is not contended that the prisoners under trial can claim the privileges of British born subjects. The sub-section is good law, so far as the prisoners under trial are concerned.

"It is settled law that if an enactment is good in part, and bad in part, and the bad be devisable from the good, the latter shall be regarded as valid and binding," 9 Bombay High Court Reports 205, at page 216.

Assuming, however, that a previous sanction of the Secretary of State for India in Council was necessary, and that the bad part cannot be separated from the good part, we felt that we are debarred from questioning the validity of an Act, or a part thereof, on the score of informalities preceding the enactment. The proper remedy for the aggrieved party is to move the Legislature to repeal the Statute (Halsbury's Laws of England, Volume XXVII, page 142, where several English cases are cited)

Besides, when we examine the section itself carefully, we fail to find that any substantive right of a subject is in any way taken away. It is altogether erroneous to think that the Court constituted under the Act has unlimited jurisdiction, or arbitrary powers to condemn any person it chooses. All that the sub-section provides is that the Commissioners can pass *"upon any person convicted by them* any sentence *authorised by law for the punishment of the offence of which such person is convicted,* and no order of confirmation shall be necessary in the case of any sentence passed by them." Reference to sections 3 and 4 of the Act will at once show that the Commissioner's territorial jurisdiction is definable; and that they can try only the particular cases sent to them for trial. No subject has any vested rights in procedure, and it is amply within the powers of the Legislature to regulate it. The words we have italicised will clearly show that, on a conviction of any person by the Commissioners, the sentence shall be according to law, with only this exception that no confirmation of any sentence passed by them shall be necessary.

Mr. Rughnath Sahai alluded to a recent Privy Council ruling. He probably meant the one reported at 40 Cal. 391. We have carefully read that judgement. What that judgement lays down is that the Burma Legislative Council could not enact a section depriving a subject of the right to sue the Secretary of State for India in Council in Municipal Court, when rights in private property owned by a subject are interfered with or encroached upon. This ruling has obviously no bearing on the regulation of the procedure of a criminal trial. We may note that the other sections of the Act have not been impugned. On the above grounds we overrule the objection.

With regard to rules 4 and 6 framed by the Local Government which the learned Counsel contended are *ultra vires,* we may concede that we

have the power to examine their validity! Before we examine them, we may observe at the outset that the Defence of India Act is an enactment of a transitory nature; namely that its operation is to cease after a given period. It has been held that Government is the judge of how the peace and security of British India can be maintained (L.L.R. 18 Bom. 636)

In viewing the rules we must bear in mind certain well-established canons of construction, for instance:–

(1) The rules framed under a statute are part of an enactment. (Maxwell, page 75,75).

(2) That remedial Acts to expedite Justice and ousting delays have to be followed. (Wilberforce on Statutes, page 231).

(3) That a general Act may *be pro tanto* repealed by a later one (Wilberforce, page 340).

(4) That rules framed under an enactment must be construed in the light of the spirit of the statute. (Halsbury's Laws of England, Volume XXVII, page 124).

The two rules, which have been impugned, are the following:–

Rule 4 — "When any person or persons are accused of more offences than one, and the Commissioners are of opinion that the offences are such that they should be tried together, then the said person or persons may be charged with and tried at one trial for every such offence."

Rule 6 — "When the accused appears or is brought before the Commissioners, the prosecution shall state briefly the particulars of the offence with which the accused is charged, and the evidence by which he expects to prove the guilt of the accused. As the evidence of each witness for the prosecution is concluded the accused shall be given an opportunity of cross-examining him, and after such cross-examination (if any) and re-examination (if any) the Commissioners may discharge the witness, and the accused shall not recall for further examination or cross-examination without leave of the Commissioners any witness thus discharged."

The powers under which the above rules are framed are contained in section 10, clause 6, that is to say, "any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating to or ancillary to trials before the Commissioners."

It has been argued that these two rules repeal the provisions of the

Criminal Procedure Code, in as much as one of them empowers the Commissioners to join charges and jointly try the accused, who could not be otherwise so jointly tried; the other deprives the accused of the right of recalling witnesses after the framing of charge. Thus it is argued that the provisions of the Criminal Procedure Code have been repealed, which the Local Government had no power to do.

In support of his argument Mr. Rughnath Sahai cites llbert on "Government of India", (page 200), and contends that the Provincial Legislature could not modify nor repeal any provisions of an Imperial Act without the sanction of the Governor-General of India. We notice two errors in the argument of the learned counsel. The first is that he confounds the Local Government, acting in pursuance of an Imperial Act in framing certain rules which that Act directs or authorises, with the Provincial Legislature. Obviously, the Local Government in framing the rules under discussion does not act as the Provincial Legislature. The second error is that it is assumed that the Court of Commissioners constituted under the Defence of India Act is a Court to which the Code of Criminal Procedure applies.

It is manifestly clear that the Court of Commissioners is not one of the Courts created under the Code of Criminal Procedure, but a Court created by a later special enactment the object of which is to insure speedy trial of certain classes of offences in trials which may be made over to it. If the Criminal Procedure Code partially applies to proceedings before the Special Tribunal constituted under the Defence of India Act, it is by virtue of sections 5 and 7 of the Act. The former provides that—

> "Commissioners appointed under this Act may take cognisance of offences without the accused being committed to them for trial; and in trying accused persons shall, subject to any rules made by the Local Government in this behalf follow the procedure described by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates."

Section 7 provides that —

> "The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure, prescribed by or under this Act shall not apply to the proceedings of Commissioners appointed under this Act, but, save as otherwise provided, that Code shall have all the powers conferred by the Code on a Court of Session, exercising original jurisdiction."

From a reading of these two sections it follows that the Defence of India Act, together with the rules framed under it, have made the Criminal Procedure Code applicable only so far as it is not inconsistent with the Act and the rules framed thereunder.

The powers conferred on the Local Government to make rules are contained in section 10, clause VI; the reason for such plenary powers being that no uniformity of procedure, were it prescribed in the Act itself, could have met with the varying requirements of different localities to which the Act may be extended. All, therefore, that has to be seen is whether the two above-mentioned rules which the Local Government has made are "necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners."

We have seen above that rules must follow the spirit of the enactment; that they form part and parcel of the enactment itself; and that they can *pro tanto* repeal an earlier enactment. It requires no elaboration of reasons to hold that joinder of charges and joint trials further the cause of speedy trial; that the right of recalling witnesses after the charge may retard, as it indeed often does, the progress of a case and result in protraction, the very two obstacles the Act aims to strike at. Rule 6 does not, however, control the Commissioner's power to permit, where necessary, in the interest of Justice, the recalling of any particular witness for a second cross-examination.

Our conclusion is that the Local Government is well within its powers to make the two rules under discussion, which are framed in the spirit of the enactment which aims at expeditiousness of proceedings and speediness of trials', without in any way handicapping the accused persons. We therefore overrule all the objections, all of us concurring.

After recording the evidence for the prosecution, the accused were fully examined and permitted to put in additional statements in writing.

Anand Kishore (1) and Harnam Singh (22) have been discharged, and the remaining accused have been charged with the offences as detailed in the table below:–

Under sections:–

i. 121, Indian Penal Code.

ii. 121 A, 131,132, Indian Penal Code,

iii. $\frac{122}{109}, \frac{122\text{-A}}{109}, \frac{302}{109}, 395, \frac{397}{109}, 398$, Indian Penal Code.

Accused No. 4 + section 122.
Accused No. 5 * † + sections 122 +396, + 395, 397, 398.
Accused No. 7 †+ sections 396 +122.
Accused No. 8
Accused No. 9 * + sections 121, 121 A, 122.
Accused No. 10 * + sections 121, 121 A, 122.
Accused No. 13
Accused No. 15 + section 4, 6 of Explosives Act of 1908
Accused No. 17 † + sections 395, 397, 398.
Accused No. 18 *
Accused No. 19
Accused No. 21
Accused No. 24 + sections 396+395, 397, 398+396, 122
Accused No. 25 * + sections 121, 121 A, 122.
Accused No. 26 + section 395.
Accused No. 27 ‡ *
Accused No. 28
Accused No. 29
Accused No. 30
Accused No. 31
Accused No. 32 † + sections 396+395, 397, 398+396, 122.
Accused No. 33
Accused No. 34 *
Accused No. 36
Accused No. 37 * + sections 4 of Explosives Act of 1908.
Accused No. 38 † + sections 396, 122.
Accused No. 39 † + sections 396+395, 397, 398.
Accused No. 41 * + sections 121, 121 A, 122.
Accused No. 43
Accused No. 44 *
Accused No. 45 † + sections 396, 122.
Accused No. 46 † + sections 395, 397, 398.
Accused No. 47 + sections 395.
109
Accused No. 48
Accused No. 49
Accused No. 50
Accused No. 51

Accused No. 53 * *
Accused No. 54 * + sections 307, 326.
Accused No. 55 + section 123.
Accused No. 57 *
Accused No. 58
Accused No. 59
Accused No. 60 + sections 307, 326.
Accused No. 62
Accused No. 64
Accused No. 68 + section 396.
Accused No. 69 † + sections 396, 122
Accused No. 72
Accused No. 73
Accused No. 74
Accused No. 75 † + sections 396, 122.
Accused No. 76 † + sections 396, 122.
Accused No. 77
Accused No. 80
Accused No. 81 +396+sections 3, 4 (a), 6 of the Explosive Act.
109
Accused No. 82

The other three accused are charged as follows:–

Accused No. 20 Sections 121, 123, Sections 4, 5, 6 of the Explosives Act
Accused No. 14 Section 395 Indian Penal Code.
Accused No. 56 Sections 121, 121 A, 132, 131, 122, 109, 111 122 A, 302, 395, 396, 398 and 124 A. 109, 111 109, 111

(i) Those marked with one asterisk (*) are additionally charged with sections 4, 5, 6 of Explosives Act of 1908.
(ii) Two asterisks double counts under the same Act.
(iii) Dagger sign (†) represents sections 3, 4, 6 of the Explosives Act.
(iv) Double Dagger sign (‡) represents charge under sections 3, 4, 5, 6 of the Explosives Act.
(v) Those marked with plus (+) are charged with additional sections noted.

After the framing of charges, the evidence of accused was heard. Some of the accused filed lists of witnesses to be summoned from outside India, with a full knowledge, as the Court informed them, that we were powerless to enforce attendance of any witness outside India. The lists show that we were asked to summon some 50 witnesses from abroad; including 15, stated to be Indian labourers, 3 editors of American newspapers and Mr. Bryan, formerly Secretary of State U.S.A. Counsel asked us to bear in mind that, owing to the nonappearance of these witnesses, their clients were unable to rebut the evidence for the prosecution *re* conspiracy in America to overthrow the British Government. In dealing with individual cases we shall bear in mind the inability of the accused to secure the attendance of such witnesses, but little capital can be made of this circumstance.

After concluding the evidence, we heard arguments for the defence and the reply of the Government Advocate, which occupied us for something like a fortnight. Arguments were finished on the afternoon of the 30th July.

We may note that **Jaggat Ram** No. (31) argued his own case; and **Pingley** and **Kartar Singh** declined to argue at all, either by counsel or personally.

The record is a voluminous one covering 704 pages of printed matter containing the statements 404 witnesses for the prosecution, statements of the accused, the charges and the statements of 228 witnesses for the defence. The number of documentary exhibits totals 282.

* * *

[3] The present case which was filed against 102 accused was committed to us for trial, as a Special Tribunal, by the order of His Honour the Lieutenant Governor of the Punjab, dated the 22nd of October, 1915, on the complaint of Mr. H V. B. Hare -Scott, Superintendent of Police, C.I.D.

Of the 102 persons complained against, two were absconders, viz., 17 (Ganda Singh) and 67 (Prem Singh) who have been convicted in other cases; accused 4 (Balwant Singh), 20 (Hardit Singh) 31 (Inder Singh), 36 (Jawand Singh), 43 (Kartar Singh), 60 (Natha Singh) 71 (Rur Singh), 79 (Sewa Singh), 101 (Sawan Singh) are still absconding; the cases against accused; 11 (Dari), 27 (Harnam Singh), 39 (Kapur Singh) 44 (Kehr Singh), 47 (Kishen Singh), 57 (Manna Singh) have

been withdrawn; we have discharged accused : 1 (Amar Singh), 25 (Harnam Singh) 76 (Santa Singh), 83 (Sudh Singh) 86 (Sunder Singh R/o Chola Khurd, Amritsar), 87 (Sunder Singh of Jabowal, Amritsar), 95 (Thakar Singh), 97 (Ujagar Singh), 99 (Wadhawa Singh), 102 (Harnam Singh) and accused 92 (Teja Singh) had been tendered pardon by us and made approvers, leaving thus the cases of 74 accused for us to consider. Accused 25 (Harnam Singh) was accused in the First Case but discharged by us then and was included in the present case owing to fresh evidence being obtained against him but we are not satisfied as to his guilt and have again discharged him. Accused: 18 (Gujar Singh) who was acquitted in the last case has been proceeded against again and charged on the view of law by the majority of the Commissioners.

The trial opened on the 29th October 1915 and the arguments in the case were concluded on March 16lh, 1916.

For the Crown 565 witnesses were produced and examined and in defence a total of 1012 witnesses appeared.

The printed record extends to 823 pages. We have only to remark that long though the period occupied may be, and voluminous though the record may be, had the case been tried under the ordinary procedure, both would have been much greater.

The accused has been charged as under:–

Under Sections 121, 121 A, 132, 131 122/109 III, 124 A/ 109 III, 302, 395/109 III:

Accused: 3. (Attar Singh), 5 (Bogh Singh), 7 (Bishen Singh), 8 (Budha Singh), 9 (Chanda Singh), 10 (Dalip Singh), 12 (Dhan Singh), 13 (Dharm Singh), 14 (Ganda Singh), 15 (Ganda Singh of SurSingh) 16 (Ganda Singh S/o Lehna Singh of SurSingh), 19 (Harbans Singh) 21 (Hari Singh), 22 (Hari Singh of Kakar) 23 (Harnam Singh of Gujarwal) 24 (Harnam Singh of Rasulpur) 26 (Harnam Singh of Kala Sanghian) 28 (Hira Singh) 29 (Ijaib Singh), 30 (Inder Singh) 32 (Isher Singh), 33 (Jagat Singh) 34 (Jammu), 35 (Jassa Singh), 37 (Jinder Singh Alias Rajinder Singh), 38 (Kahan Singh), 40 (Karam Chand Kohli), 41 (Karam Singh), 42 (Kartar Singh of Patiala), 45 (Kesar Singh), 46 (Kirpa Singh) 48 (Labh Singh of Chak Walan, Kasur, Lahore), 49 (Labh Singh, of Waltoha, Lahore), 50 (Lal Singh), 51 (Maghar Singh), 52 (Maharaj Singh), 53 (Mahinder Singh of Dhudike), 54 (Mahinder Singh of Majri, Ludhiana), 55 (Mangal

*Singh of Sursingh), 5 6 (Mangal Singh of Waltoha), 58 (Mastan Singh), 59 (Nahar Singh) 61 (Natha Singh), 62 (Pakhar Singh), 63 (Pala Singh son of Kala Singh), 65 (Phera Singh), 66 (Phuman Singh), 68 (Ram Singh),69 (Randhir Singh), 70 (Ranga Singh alias Roda Singh), 73 (*Sadhu Singh*), 74 (Sajjan Singh), 75 (Samma Singh), 77 (Santa Singh), 78 (Sarwan Singh), 80 (Sham Singh), 81 (Sher Singh), 82 (Sucha Singh), 84 (Sultan Shah), 85 (Sunder Singh), 88 (Suja Singh), 89 (Surjan Singh), 90 (Teja Singh of Bhikhiwind), 91 (Teja Singh of Sandpura, Lahore), 93 (Thakar Singh of Thathian PS Sirhali), 94 (Thakar Singh of Waltoha), 96 (Udham Singh), 100 (Wasakha Singh).*

Under sections 121, 121 A, 131, 132, 122, 124 A/109, III, - 302, 109, III:

Accused: 2 (Arjan Singh of Jagraon).

Under sections 121, 121 A, 132, 131, 122, 124 A/109, III, 302, 395/109, III, 395 6-7-8:

Accused: 6 (Bir Singh).

Under Sections 121, 121A:

Accused: 18 (Gujar Singh).

Under sections 121, 121 A, 302/109, III 322/109, III:

Accused: 64 (Pala Singh son of Bagga Singh).

Under sections 121, 121 A, 302, 395/109, III, 396/122 :

Accused: 72 (Rur Singh).

Under sections 121, 121 A, 132,131,122/109, III, 124 A/ 109 III, 302, 395/109, 395, 122 :

Accused: 98 (Uttam Singh)

Before proceeding to a discussion of the case, we desire to say that the persons now accused are of a very different nature, with few exceptions, to those who stood their trial in the first case. The men tried in the first case were the organisers and leaders; men who plotted and tried to overthrow Government by murder, massacre and rapine; a large number of the men. before us now were implements for occasional affrays who dropped out of the Ghadr movement after being involved.

Notwithstanding the fact that the bulk of the present accused are minor offenders, we need hardly say that we realise as we realised in the first case the fact that there is, if possible, a heavier responsibility laid upon us, in trying a case under the Defence of India Act, than on a Court proceeding under the ordinary law. There is according to the provisions of the Act

itself no appeal; and the decision of the Tribunal being said to be final and conclusive, there is no authority legally competent to review our decision, either on law or the facts to determine as to the adequacy or otherwise of quantum of punishment, though the Local and Supreme Governments may exercise powers of clemency. It is, therefore, all the more incumbent on the Tribunal to weigh carefully every question of fact and law, and this we have endeavoured to do; and we may say that no point has been decided without the best consideration that the three commissioners have been capable of giving to it.

(Q. Why this 'realisation' came in March 1916 and not in September 1915?

A. The rebuke from Viceroy's Council, which commuted the death sentences of as many as 17 of the 24 accused to Transportation for Life after a thorough legal scrutiny: Editors)

"The judgement is divided into different parts for the purposes of easier reference; and each part is the result of the considered and discussed opinions of the three Commissioners. It will be obvious that in a judgment, necessarily of great length, there must be a division into sections; but, unless we be redundant, and thereby run to still greater length, it is of first importance for the reader not to divorce one section from another; but to read the judgement as a whole, bearing in mind that matters of, law discussed in one section, and matters of fact, explained in the history, have not been so discussed and explained as academical propositions, but as being directly concerned with the case of each individual accused. In that way only is it possible for the judgment to be followed; and omission to do this can only result in failure to understand it."

(SLCC Judgement, pp. 1-2.)

PART II

Law Points (a) *

Before we proceed to give an account of how the conspiracy to overthrow the British Power in India was conceived, how it matured into war, how it was put into operation and how it failed; and before we treat each accused's case individually; it is necessary to clear the ground by first disposing of the law points raised in this case. Counsel have addressed us on the following law points:–

1. Proof of conspiracy and relevancy of evidence under section 10.
2. Charges.
3. Responsibility of accused for acts committed after their arrest.
4. Liability of dacoits under section 396, Indian Penal Code.
5. Statements to the police.
6. Confessions to the *Zaildar*.
7. Testimony of Accomplices, and *quasi* accomplices.
8. Legality of pardon tendered to Umrao Singh.
9. Spy's evidence.
10. Relevancy of documents found in 1909 with Bhai Parma Nand and the Judgement of Magistrate in that case.
11. Objection to the admissibility of Ichhra Singh's statement.
12. Retracted confessions.
13. Waging of War.
14. Approvers' statements.
15. Confessions of the accused.

(1) Proof of Conspiracy

Mr. Rughnath Sahai referred us to Archbold's Criminal pleadings, 23rd Edition, as to what proof is required to establish a conspiracy. We have the 24th Edition before us. At page 1425 the nature of proof required to prove a conspiracy is given. Practically the purport of it is embodied in the judgement of Rattigan, Justice, in the Delhi conspiracy case with

which we agree and which may be reproduced here:–

As observed by Mookerjee, Justice, in his learned judgement in Pulin Bihari Das's case (16, Indian cases, page 312) "It must be remembered that direct proof can scarcely be afforded of a conspiracy …. Hence the Courts have consistently held that the prosecution is not obliged to prove that the persons accused actually met and laid their heads together, and after a formal consultation came to an express agreement to do evil. On the contrary^ if the facts as proved are such that the jury as reasonable men can say there was a common design and the prisoners were acting in concert to do what is wrong, that is evidence from which the jury may suppose a conspiracy was actually formed. It is from this point of view that the overt act may properly be looked to as evidence of the existence of a concerted intention; indeed the conspiracy is usually closely bound up with the overt acts, because in many cases it is only by means of the overt acts that the existence of the conspiracy can be made out. But the criminality of the conspiracy is independent of the criminality of the overt acts." To a like effect are the remarks of Coleridge, Justice, (Rex V. Murphy, 8 C. and P. at page 310). "It is not necessary that it should be proved that these defendants met to concert the scheme, nor it is necessary that they should have originated it. If a conspiracy be formed and a person joins it afterwards, he is equally guilty." And in a recent case Jenkins, Chief Justice, (I.L.R. 37 Cal, at page 507) stated that "though there must be agreement, there need not be proof of direct meeting or combination, nor need the parties be brought into each other's presence; the agreement may be inferred from the circumstances raising a presumption of a common concerted plan to carry out the unlawful design. So again, it is not necessary that all should have joined from the first; those who come in at a later stage are equally guilty, provided the agreement is proved." Finally we have the dictum of Grose, Justice, (Rex. V. Brisae, Rev. Reps. 551) that "conspiracy is a matter of inference deduced from certain criminal purposes in common between them and which hardly ever are confined to one place." (No. 11, Punjab Weekly Reporter, 1915, pages 79-80.)

To the above may be added a quotation from 9, Bombay Law Reporter, 347:–

> "A conspiracy may be proved by other than oral evidence, by surrounding circumstances, and the conduct of the accused both before and after the alleged commission of the crime."

The learned Judge quotes the dictum of Lord Campbell:–

> As was said by Lord Campbell, Cheif Justice, in his charge to the jury in Regina *versus* Esdaile (1) "There may be a conspiracy without overt acts" and "it is not necessary that the evidence should be given to show any formal consultation or express agreement to act unlawfully, but if you are reasonably satisfied that there was a common design to do what is charged, and that defendants were acting in concert to do it, you may infer the conspiracy (1858, 1 F. and F. 213, 237)." We may observe, however, that in the present case there is a direct evidence of conspiracy against several of the accused. It is only against some of those who joined the conspiracy in India after its formation abroad that some inferences will have to be deduced from their doings in India in respect of their knowledge of its aims and objects. It lies, no doubt, on the prosecution to prove that those who subsequently joined the conspiracy after its formation were initiated into its secrets. Where direct evidence is not available, knowledge of its aims and initiation into the scheme of the conspiracy can only be inferred from certain acts and other surrounding circumstances.

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Section 10:– It is argued that until the prosecution establishes the existence of a conspiracy, evidence relevant under Section 10 cannot be received.

The Government Advocate in his opening address gave a succinct account of the evidence he proposed to call to prove conspiracy and the membership of the accused thereof. Evidence was given at the trial without specifying whether any particular piece of evidence related to the proof of the conspiracy, or was tendered under Section 10 of the Indian Evidence Act.

It was understood that until the prosecution satisfy the Court that there were reasonable grounds to believe that a conspiracy existed, evidence under Section 10 would not be considered. The course adopted by the learned Government Advocate was a proper one.

Mr. Mayne points out the manner in which evidence *re* a conspiracy should be produced; that is exactly what has been done in the present case. He says:–

> "Evidence of the acts of one person can only be used against another, where there is reasonable ground to believe that two or more persons have conspired together to commit an offence, or an actionable wrong," Indian Evidence Act, section 10. As it has been laid down in England, "before you give in evidence the acts of one conspirator against another, you must prove the existence of the conspiracy, that the parties were members of the same conspiracy, and that the act in question was done in furtherance of the common design" (Archb, 1106). Of course if this rule were to be taken literally, it would be impossible ever to prove a conspiracy. The evidence would be inadmissible till the proof was complete. Practically the difficulty is got over in this way: Counsel for the Crown states the case he expects to prove, and the general evidence by which he hopes to make it out. When evidence is offered which strictly only affects one defendant, it is received provisionally against the others, subject to the undertaking that sufficient connection will be established between them as the case goes on. When the evidence is completed, it is the duty of the judge to decide whether, upon the whole facts, supposing them to be proved, sufficient connection is shown between the parties to make the acts of one evidence against the other. It is for the judge to say, as a matter of law, whether particular evidence can be submitted to the jury. It is for the jury to say, as a matter of fact, whether they believe the evidence. They are told by the judge that if they disbelieve the connecting evidence, they must disregard the evidence which assumes the connection. Where the judge tries a case without a jury, of course he performs all these mental operations himself, Criminal Procedure Code, sections 298, 299, 30 C. 983" (Mayne's **Criminal Law,** page 291).

But the confessions of co-accused, whether retracted or not, cannot be received under section 10, they have to be considered for what they are worth under section 30 of evidence Act (38 Cal., 169). It may also be said here that while the actions, doings etc., of one conspirator are relevant against another, the rule is not confined to the conspirators under trial. Whatever has been done, said, or written by conspirators not under trial, e.g., Hardial, Bhagwan Singh, Burkatullah and others who are not before us, will be relevant in the case of a finding that a conspiracy existed, under section 10 of the Evidence Act. Likewise, documents found on the person of a conspirator will be relevant against another, on

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the same principle on which account books of a conspirator are receivable against another conspirator. (O' Kinealy's Penal Code, page 66).

In regard to the argument based on section 10 in the light of illustrations to it, we cannot do better than adopt the opinion of one of the Judges who decided the Delhi conspiracy case:–

> "But I think I am justified in rejecting the idea that the Legislature intended, by a provision of the law of evidence, to create a barren useless and merely nominal relevancy." (II.P.W.R. 1915, page 22, per Johustone, Justice)

(2) Charges

Mr. Rughnath Sahai objected to the wording of the charges. We overruled his objection intimating that there was no indefiniteness or any other flaw in them. In support of our view we refer to 29 I.C. 513, at page 521 = 19 C. W. Notes 676 where the dictum laid down by Jenkins, Chief Justice, in Emperor *versus* Lalit Mohan (Nani Gopal) (15 C. W Notes 593) though not dissented from in so many words, was not approved of. We agree in the following extract from the judgement of Sir Ausotosh Mookerjee and Richardson, Justices [29 I.C. 513 at 512 = 19 C. W. notes 676 above referred to]:–

> *"The fifth* ground on which the legality of the trial is questioned, is that persons who are alleged to be conspirators in the charge have not been prosecuted, although their names and addresses were known to the prosecution. Reference has, in this connection, been made to Emperor *versus* Lalit Mohan (Nani Gopal) (38), where it was ruled by Jenkins, Cheif Justice, that in a conspiracy case the accused can be charged with conspiracy with persons unknown, but that if they are charged with conspiracy with persons known, then such persons must be named in the charge. It is not necessary for our present purpose to determine whether the rule so stated is not too widely formulated; but it may be observed that a different view has sometimes been maintained. Thus, in Rex *versus* Stoddart the legality of a conviction for conspiracy was questioned on the ground that though the prosecution knew that one Klinge was an alleged conspirator, he was not named in the indictment. In support of this objection, reliance was placed on Rex *versus* Walker, Reg *versus* Thompson and Rex *versus* Robinson, but it was overruled by the court of Criminal Appeal. That judicial opinion on the point has not been quite uniform is obvious from an examination of the cases mentioned, as also Rex *versus* Deakin, Reg *versus* Stroud, Reg *versus* Caspar, Rex *versus* Bush, Reg *versus* Esdaile; 2 East, Pleas of the Crown, 651,781; 1 Chitty on Criminal Law, 213; Russel on Crimes (1909) 186, 187, 1292, 1478. The question has also been the subject of elaborate discussion in the Courts of the United States. In People *versus* Mather, the charge of the indictment was of a conspiracy to abduct William Morgan, who was supposed to have revealed the secrets of the Masonic fraternity. The indictment was of Mather alone and the charge of the indictment was that Mather with 'other persons unknown' had conspired, etc., although it was a fact that many of the other persons were well known. The Court held, on the authority of Reg. *versus* Heme, mentioned in the case of Rex *versus* Kinnersley and Moore, and *Anonymous* case, that the indictment against Mather alone was good; there was a conviction and a new trial was denied. Marey, Justice, observed, 'In a charge of conspiracy it seems no more necessary to specify the names of the defendant's co-adjutors than in an indictment for an assault and battery to name others besides the accused who were concerned in the trespass.' Let us assume, however, that the strict rule formulated in Emperor *versus* Lalit Mohan (Nani Gopal) is well founded on principle and is supported by a balance of authorities; that rule is clearly of no assistance to the accused in this case. That decision does not show that if all the known coconspirators named in the charge are not placed on their trial, the trial of some without the other is vitiated. It is, indeed, open to the Court to place the co-conspirators on their trial separately: Rex *versus* Kinnersley and Moore; Rex *versus* Oxford; Rex *versus* Nichels; People *versus* Richards; United States *versus* Miller, Russel on Crimes (1909) 149,180; 3 Chitty on Criminal Law, 1141; Bishop on New Criminal Procedure, Volume I, sections 464,1022, Volume II, section 225; McClain on Criminal Law, Volume II, section 981."

We hold that the mention of known conspirators who are not before us or the mention of other conspirators under trial, is not necessary in the charges.

* (3) Responsibility after Arrest

1. It has been contended that an accused person after his arrest ceases to be a member of the conspiracy, and is not responsible for anything that the other conspirators do or say after his arrest. In support of this view the following passage from Rattan Lai's *"Law of Crimes"* is cited:–

> "Where persons have been taken into custody and are in a condition which makes it impossible for them to act in aid or furtherance of the conspiracy, that is, when so far as they are concerned, the conspiracy has come to an end, the acts of persons who were members of the conspiracy and who are still free to act in pursuance thereof, are not admissible as against them; these acts can no longer be deemed the acts of co-conspirators". (Rattan Lai's Law of Crimes, 7th Edition of page 249).

The learned commentator has cited no authority in support of his statement of the law, but seems to us that it is erroneous. The well-established rule supported by authority is the following:–

* 2. "Where the overt acts charged in the indictment show a conspiracy between the prisoner and others, evidence may be given of any acts committed by a co-conspirator in the execution of the common design, even if such acts occurred after the dates of the alleged overt acts and after the prisoner's arrest, if such events were the natural result of the conspiracy in which he was engaged as, e.g., the breaking out of an insurrection which was the object of the conspiracy."

Halsbury's Laws of England Volume IX paragraph 893, page 457. Citing (R. V. Home Tooke 1794), 1 East P.C. 98, R.V. Hardy (1794), 1 East, P.C. 99, R.V. Watson (1817). 2 Stark, 116, 127; R. V. McCafferty (1867), 10, Cox, C. C. R., see R. V. Stone (1796,6 Term Rep. 527.)

* (4) Liability of Dacoits under Section 396, Indian Penal Code

It is contended that in the dacoities in which murders have been committed the accused who took part in them had no intention of committing murder, that murders were not committed "in so committing of dacoity" so as to make each and all who took part in them liable to capital punishment. It is contended that it is only those who actually dealt the blows who are liable for murder; but not those who were either

busy in dacoity or were not present on the scene. Reference was made to I.L.R. 16 All: 437 at page 442, but we may at once point out that the authority of that ruling has been shaken altogether by a later ruling of same High Court in a case reported at I.L.R. 17 All. 86, where it was held that if murder was committed in the course of the dacoity, it was immaterial whether it was perpetrated inside or outside the house; or whether the dacoit charged under 396 was actually present or not. This was also the view taken in 2, Bombay Law Reporter 325. In this case the Chief Justice's remarks are very pertinent to the present case, though Candy, Justice, says a case can be conceived where dacoits by time and space may not be said to be "continuing to commit dacoity."

6. Bombay Law Reporter 248, P.R. 4 of 1900 (Cr.), P.R. 15 of 1901, may also be cited in support of the view taken in 17 All. 86. The Punjab case R.R. 4 of 1900 dissents from 16 All. 437. The Allahabad High Court has, however, held in All. Weekly Notes, 1906, page 47, cited to us by defence counsel, that where a murder is committed solely for the purpose of escaping capture, the associates in dacoity would not be liable for murder. The facts of that case were that the dacoits not getting any plunder owing to interruption by villagers, tried to escape. One of them to facilitate his escape killed one of the men in the pursuing party; this ruling does not help the defence. Besides, it was distinguished in 17, Madras Law Journal 118, where it was held that murder committed by dacoits while carrying off stolen property is murder within the section as committed in the commission of dacoity.

We shall deal with the dacoities generally later. Suffice it to say here that murder was committed in the Sahnewal dacoity (23rd January 1915); also in the Chabba dacoity (2nd February 1915). Harnam Singh (accused 24) and Jaggat Singh (32) and Kartar Singh (39) admit having taken part in the Sahnewal dacoity. The statement of accused 39 (Kartar Singh) is to the effect that, to augment funds for what he calls "a plan of bringing out a newspaper to air our grievances," some 7 or 8 men started for dacoities with inkpot bombs filled with materials not dangerous to life by Dr. Mathra Singh; and he, the accused, was located somewhere between the *thana* and the house to be dacoited to give a signai of alarm to the dacoits in case the police came. He states that he was not at the scene of the dacoity, and that he was afterwards told by Arjun Singh, one of the dacoits, that while the dacoits were returning, the owner of the house seized him and, to save himself, he struck the owner of the

house, badly injuring him. He called no evidence in support of his statement. The other two accused in confessing made no qualifying statements.

The statement of Kartar Singh is obviously so adapted as to try to bring himself within the purview of the Allahabad case referred to above. All. W. Notes of 1906, 47. As already pointed out, that case has been distinguished in a later Madras case. We need not discuss any hypothetical cases. It is sufficient to observe that in the absence of any evidence for the defence, we cannot draw any fine distinction between the respective acts of the various dacoits who took part in the two dacoities above referred to. The evidence for the prosecution suggests no such exonerating circumstances. We shall discuss later how many accused took part in the said dacoities. For the present, we have only to dispose of the legal aspect of the case. In short, in our opinion all those who took part *conjointly* in the dacoities, whatever their share in them, as murders were committed in committing the dacoity, are all liable to the punishment provided in section 396, namely, death or transportation.

With regard to how far dacoits are liable under section 396, despite their protest or unwillingness, to commit murder in the beginning, we will discuss the matter in dealing with the Chabba dacoity where this question arises.

* (5) Statements to Police

Some objections were raised from time to time in regard to statements to the police leading to certain discoveries. The learned Government Advocate, though in the beginning intending to prove certain incriminating statements short of confessions made to a police officer, eventually confined himself to eliciting from the witness just such information supplied by the accused as had led to the discoveries of a variety of articles and clues to other evidence.

Under section 25, no confession made to a police officer can be proved as against a person accused of any offence, but this section is controlled by section 27 which says "Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence in the custody of a police officer so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved."

In a recent case XLI, Calcutta, page 601 (Emperor *versus* Kangal

Mali) the learned Judges Woodroffe and Mookerji ruled as follows:–

> "Section 25 of the Evidence Act does not exclude all statements by any accused to the police, but only confessions. There is a distinction between mere admissions and confessions which are statements either directly admitting guilt or suggesting the inference of guilt of the crime charged. The general rule in the section is further subject to that which admits statements leading to discovery whether they amount to confessions or not."

Statements by an accused person to police officers pointing out the places where the offence was committed by others, or where he concealed himself thereafter, and the houses to which he went for assistance, whether regarded as information leading to discovery or as statements made by him as part of his defence, are admissible in evidence as admissions.

(6) Bakhshish Singh's confession to *Zaildar* Gurbakhsh Singh, P.W. 124

Mr. Hakumat Rai has objected to the reception of the confession by Bakhshish Singh (7) to Gurbakhsh Singh, *Zaildar*, P.W. 124, on the score of its being made to a *Zaildar*, who, it is said, is a "person in authority". Our attention is drawn to Punjab Record 14 of 1911 (Criminal). The facts of that case were entirely different from the present case. There the police officer was sitting a few yards off, and on the facts of the case the learned Judge treated the confession as in reality made to a police officer, "a subterfuge" as he calls it of getting a confession nominally to a third person but really to the police. It is true that a *Zaildar* is a "person in authority" for the purposes of section 24, and any promises held out by him would vitiate a confession, but there is no authority for the contention that every confession made to a *Zaildar* is inadmissible on the simple ground that he is virtually a police officer. No doubt, it is his business to assist the police in investigations, but he is not identical with a police officer in any sense.

Extra-Judicial Confessions are receivable in evidence. Such confessions can be acted upon by the Court, though cautiously. (Kesri Mai's case 24,1.C. 590 Oudh).

It has also been held that the presence of a police officer when a confession is made to person (not a Magistrate) is immaterial. (261. C. page 654, = 16 Criminal Law Journal 62).

Now, the circumstances under which the present confession was

made are given by the witness to whom it was made. The witness took part in die investigation of the Chabba dacoity on the 7th February at the instance of Liakat Hyat. On the 8th February Surain Singh of Gilwali was brought before him from his sugarcane field; he named Udham Singh, Prem Singh (absconder) and Bakhshish Singh. Bakhshish Singh was sent for on the 9th. He admitted in the presence of Pal Singh, *Zaildar*, no police officer being there at the time, that 16 men took part in the dacoity at Chabba, and that Mula Singh had said that the booty would be divided in Sant Gulab Singh's Dharamsala at Amritsar. Witness followed up the clue leading to the discovery of the three gold pieces, the result of melting ornaments by Banta Singh, goldsmith, of Virpal. In cross-examination he says that Bakhshish Singh said "he was not afraid, whatever was done was done boldly." The witness' statement stands uncontradicted. Pal Singh, P.W. 156, was called for prosecution, but no question was put to him by defence Counsel in regard to this matter. He was again summoned by the defence as their own witness; but even then, although he said four constables and one Sub-Inspector were in the village at the time of the investigation, the defence did not hazard the question as to whether any police officer was present near Gurbakhsh Singh when Bakhshish Singh made the confession. Thus, there is absolutely no reason to reject the confession.

* **(7) Testimony of Accomplices and *quasi* accomplices**

Objection is taken to the evidence of—

P.W. 125-Kishen Singh
P.W. 227 - Jaimal Singh
P.W. 228 - Sher Muhammad
P.W. 230 - Surti Singh
P.W. 231-Abdul Alim
P. W 269-Puran Singh
P.W. 172-Sohan Singh
P.W. 264 - Sewa Singh

on the ground that these witness are either legally or practically accomplices; and therefore unworthy of credit. Reference was made to the following authorities:

2 C.W. Notes,
21Cal. 328
23 Cal.361,

to show that persons who were present at the commission of an offence, and did not inform the proper authorities, must be treated to all intents and purposes as accomplices. These three cases have been reviewed in a later case, 27 Cal. 144, where the learned Judges held that the mere presence of a person on the occasion of the commission of a crime, or his not reporting it promptly, cannot make him an accomplice unless it is shown that he somehow co-operated in the offence or was instrumental in its commission.

We have another authority, which negatives the view that there can be anything like a *quasi* accomplice, 27 Mad. 271. Let us examine what the evidence of each of these witnesses is:– *

P.W. 125 Kishen Singh, *Sadh,* is a Manager of Virpali Dharamsala in the town of Amritsar. Punjab Singh (Mula Singh, approver) is introduced to him by Rai Bahadur Gopal Singh*'s* son, Thakur Singh. Mula Singh pays him several visits. On one of these visits, he comes with two men (of whom only Pingley is identified in Court). Next time, shortly after, he comes with some relatives and a woman and solicits witness's help in securing the services of a goldsmith to melt some ornaments. He comes again some days after for a similar purpose. The services of a goldsmith are secured for him on both occasions.

In addition to this service, the witness secures him a house in Moni Chauk where in a niche he places a knife, P. 38, a pistol and a tin, contents unknown to the witness. Mula Singh, on his introduction to him, had represented that he had taken up the cudgels against public servants who oppress the people, and that he was a Military Officer.

After Mula Singh's arrest Balwant Singh asked the witness if he had Mula Singh's things. He was taken to the Moni Chauk house, was given pincers with which he forced open the clasp with the lock; and smashing the leaf of the almirah Balwant Singh took away pistol, P. 25 E.

On the arrival of the Police, the goldsmith, who melted the ornaments, surrendered some gold he had; some precious stones were discovered from the ashes where the ornaments were melted. Witness says he thought the ornaments belonged to Mula Singh's brother and his brother's wife, and that they wanted a speedy conversion of ornaments into bars, to catch a particular train. He admits in cross-examination that he did not report the matter to the police, and that Mula Singh, when

placing the things above mentioned in the Chauk Moni house, had warned him not to disclose the fact. From the fact of his not reporting the matter to the police and the warning against disclosure, it is contended that the witness must be treated as *particeps criminis;* at any rate his suspicions must have been sufficiently aroused, from Mula Singh concealing the deadly weapons, to become aware that he must be a dangerous criminal whom he helped in the conversion of ornaments. We are not prepared to believe that the witness did not suspect Mula Singh's doings as those of a criminal, but we know *Indians* do not realise the responsibility of reporting crime, either through indifference or dread. We are also aware how sometimes Indians who are not scrupulous enough are ready to oblige their acquaintances, even in highly suspicious doings. Our view is that he was not an accomplice, particularly when he personally derived no gain out of the whole affair. His evidence cannot be rejected as that of an accomplice, but assuming he is practically an accomplice we are not prepared to reject his testimony as a quasi accomplice.

But assuming, his position to be that of an accomplice or very near it, we find ample corroboration of his testimony from the discovery -of the bars of gold, the pincers used, the knife and the pistol. His veracity as an accomplice cannot therefore be doubted. Besides, his identification of Jaggat Singh, Balwant Singh, Harnam Singh, the men he met either with Mula Singh or on different occasions talking to Mula Singh, is another good corroboration of his testimony.

* Next comes **P.W. 227 Jaimal Singh.**

He is a student of the Islamia School at Ludhiana, who heard the *Ghadr-ki-Gunj* read by Sucha Singh, approver. Kirpal Singh, student, made copies of the *Ghadr-ki-Gunj* in his presence. He says Sucha Singh used to be visited by various people; for example Kartar Singh (39), Ram Rakha (65), Dewa Singh (15), Kahn Singh, Dalip Singh (deceased approver), Anokh Singh (2), Sajjan Singh (70), and others. From time to time he heard Kartar Singh talk of the tyrannies of Government, of the expected advent of Hardial with an army of Germans, of Bengalis' co-operation, &c, &c. He saw Sucha Singh bringing a certain chemical to take it to the Jhabewal factory, and a pistol with accused No. 65.

Later, he saw Sucha Singh at the Railway station on the latter's return from Jullundur with two files and a bundle of *Ghadr Sandesa* for distribution. He asked the witness to make copies of the leaflet. After Sucha Singh went away, he and Surti Singh got back a duplicator from

Sajjan Singh and Anokh Singh's place. The next day, he and Puran Singh, No. 62, duplicated some dozens of the *Ghadr-ki-Gunj*. Surti Singh, who had meanwhile accompanied Pingley to do mischief at Meerut, returned; and on being informed of Dalip Singh's arrest suggested throwing into a well the leaflets which he and Surti Singh proceeded to do. The duplicator was given over to Sant Singh temporarily, but on the arrest of Sucha Singh it was likewise thrown into a well in Sunet. Both the duplicated copies of the leaflet, P. 230, and the duplicator were recovered by the witness. We have no doubt this impressionable youth knew that Sucha Singh and his associates were on an evil *path*, devising means to bring about some sort of rising or disturbance, but we do not believe that he realised the gravity of the acts he was made to do. Be that as it may, he cannot escape being stigmatised as an accomplice. It is no business of this Court to examine the reasons why the prosecution chose not to prosecute him along with Anokh Singh, Sajjan Singh and Puran Singh. He is not an *accused* person before us and appears only as a witness. Treating him fully as answering the description of an accomplice, we have only to test his veracity. In the presence of the corroboration furnished by the identifications by him of Sucha Singh's associates, by the discovery of the duplicated copies he had made, and that of the duplicator, we regard this witness as worthy of credit. He had received no pardon, and the risk he was running in implicating himself is another guarantee of his truthfulness. We may note that the defence, beyond calling his evidence that of an accomplice, did not attempt to examine it in detail to test its truthfulness.

* **P.W. 228 Sher Muhammad:–** He is a student and lived in a room together with Surti Singh and Jaimal Singh. Sucha Singh and Abdul Karim lived in, another room. In November 1914 Sucha Singh brought *Ghadr-ki-Gunj* which he read to himself; bits were sometimes heard by the witness. He was visited by Kahn Singh and Dewa Singh (15). Witness goes home at Christmas; and, on his return on 22nd January, goes to Sucha Singh, sees Kartar Singh (39) who passed under the false name of Harnam Singh and hears him mention ingredients of a bomb of which witness remembers only two ingredients. This is all he says.

It is clear that he is not an accomplice; nor anything approaching it. The prosecution has tendered him only to corroborate Sucha Singh with regard to his associates. His testimony stands unimpeached.

P.W. 230 Surti Singh:– This is another student, aged 18. He was

in Islamia School in July 1914. He states that Sucha Singh used to read *"Ghadr-ki-Gunj"* of which he and Kirpal Singh made copies; the former was visited by 9 or 10 men, of whom he mentions (39), (65), (59), and that Sucha Singh brought inkpots which he called bombs, made chemicals, also bought a. vinegar bottle. He heard of the Sahnewal dacoity after seeing the assembly of 6 or 7 men including Kartar Singh, Ram Rakha and some Sikhs. He swears to Sucha Singh's absence one night just preceding the Mansuran dacoity.

He was taken by Jaimal Singh to Puran Singh to get back duplicator (P. 20 E.), and brought it to his boarding house; receiving instructions from Sham Lal (Pingley) how to work it. Pingley took him to Meerut and used him to hand over a bundle of books and flags to Isher Singh, Sowar; also to ask Isher Singh to make enquiries with regard to locality of treasuries, telegraph offices. In Court he identified Nos. 39, 62, 59, 15, 46, 32, 54 and 5. In cross-examination he admitted Sucha Singh showing him the contents of the inkpots putting them into his pocket saying that a requisite phial was not with them. This youth was one of the several students whom the conspirators made use of for their purposes. A young man, who aids towards the overthrow of the Government by what he can do in the matter, cannot be excused on the score of his youth. The witness may well be pronounced an accomplice. The remarks we have made with regard to Jaimal Singh, (p. 227), equally apply to this witness, namely, that his evidence is true.

P.W. 231 Abdul Alim:– He is a student like P.W. 230, who says he was introduced to Kartar Singh (39) by Sucha Singh who talked of mutiny; that *lathis* were fitted to *chhavis* in preparation for a dacoity; that out of the proceeds of Sahnewal dacoity he saw *kalma rupees* (p. 239). He mentions another gathering at Sucha Singh's place to commit the Mansuran dacoity. The witness takes active part; his knowledge of
* what was going on cannot be doubted; but it is difficult to say whether he was an accomplice in the legal acceptation of the term. Perhaps he had some sympathy with the conspirators' plans, but beyond witnessing what he states, he does not seem to have been taken into such confidence as to be assigned any work in connection with the depredations which Sucha Singh and his confederates had organised.

P.W. 269 Puran Singh:– Puran Singh's evidence is brief. He simply says that he accompanied Sewa Singh (71) to Lohatbadi to attend a recitation of the *Granth;* where he was asked to join dacoities and he

refused to do so. There was talk there of building a fort, of organising an army and of stealing arms from Doraha. The only objection against him is that he did not report to the police. That omission does not make him an accomplice or a *quasi* accomplice.

* **P.W. 172 Sohan Singh:–** Sohan Singh, father of Udham Singh, approver, is not an accomplice. All he says is that he returned by the *Mashima Maru,* and that the party of Nidhan Singh (54) talked of mutiny against Government. He does not say he joined them in the talk, and he denies being of Nidhan Singh's party.

What he does admit is that in India, when he went to *Masia* fair, Mula Singh asked him to join in dacoities to get money to buy arms to fight Government with, and he agreed to do so.

Mere willingness to join a dacoity, however reprehensible, is neither an attempt nor a preparation to commit an offence. Not being shown to be a member of the revolutionary party, he cannot be called an accomplice by reason of merely expressing his willingness to join in some dacoity not yet determined on. Consequently, his evidence is that of an ordinary witness.

P.W. 264 Sewa Singh:– Sewa Singh, son of Ichhra Singh. He was clearly an accomplice. His evidence clearly points to his participation in crime.

The Local Government not having chosen to prosecute any one of the above persons, whom we have held accomplices, there is nothing illegal in their being put on oath as witnesses — 16, Bombay 661, P.R. 21 of 1904 (Cr.). They are not "accused", persons before us so as to forbid us putting them on oath as witnesses.

* (8) Legality of pardon tendered to Umrao Singh

This man (78) was sent up for trial as an accused along with others. Dalip Singh of Jhabewal was to have been produced by the prosecution to prove incidents in connection with certain dacoities in which he had taken part with others, and preparations of bomb materials, but he died before his evidence could be recorded. Mr. Scott, Superintendent of Police, on the 24th May approached Umrao Singh, a cousin of Dalip Singh, deceased, with a view to arranging for a pardon for him, so that he might be converted into an approver if he were prepared to disclose the facts truly and fully. Before that date he had not been seen by any police officer, he was removed from the Jail on the 24th May, and

Inspector Ahmad Khan was directed to record his statement. He recorded it by the 26th May. *(Vide* P.W. 10 Mr. Scott *recalled)*. Ahmad Khan was also recalled to show the manner in which he recorded his statement.

At the request of the prosecution we tendered him a pardon under section 338 Criminal Procedure Code, which he accepted, and examined him as an approver.

Exception is taken to his evidence on two grounds:–

(1) That he was an "accused" person in this Court. Grant of pardon to him was beyond the power of this Tribunal; hence he remains an accused, though sworn as a witness, and is incapable of being converted into a witness.

(2) Secondly, since he had heard practically all the evidence during the trial, his evidence should be absolutely ignored.

With regard to the legal objection, it is argued that under section 338 Criminal Procedure Code, a case must be committed to a Court of Session before it can tender a pardon, that this Tribunal is a creation of a special enactment, to which cases are not committed by Magistrates but sent for trial by the Local Government. No provisions for tender of pardon being made in the Defence of India Act or the rules thereunder, we are not in order in tendering the pardon. We are not prepared to treat the omission of the power to tender pardon in the Defence of India and the rules thereunder as a *Casus Omissus,* because section 7 of that Act confers on us all the powers of a Sessions Court. Following the spirit of that section, we must read section 338 *Mutatis Mutandis,* and hold the directions of the Local Government to us to try the case as tantamount to a commitment.

With regard to the second point, his evidence in regard to occurrences outside India is strongly assailed on the ground that before he gave his evidence he had heard the evidence of approvers Amar Singh, Nawab Khan, Mula Singh and Jawala Singh; and that if Dalip Singh had not died, this evidence would never have been available to the prosecution to fill up gaps in the proof against some of the accused.

We have given our patient consideration to this objection. Beyond a certain amount of plausibility about it, there is not much force in it. We have examined his evidence carefully in order to detect whether he had, when giving evidence, any remembrance in his mind of the stories of the approvers he had heard. We shall show later that the statements of the above mentioned approvers do not betray diversified versions of one

and the same concocted story, The approvers tell their tales in their own ways, according to their own recollections. We see Amar Singh
* minimising the aims of the conspiracy on purpose, Nawab Khan assuming an air of self-importance, Mula Singh disregarding the sequence of events and Jawala Singh telling his tale in his naive fashion. An incident prominently spoken of by one approver is lightly talked of by another, at times some incident mentioned by one is omitted altogether by the others. Consequently, if Umrao Singh is supposed to have taken any one of these approvers as his model for imitation, whom has he chosen? He does not appear to follow any one of them in the story he has given. It is possible he-may have collected the facts given by all the approvers, and woven out of them a tale of his own. We fail to notice in his story any trace of borrowing anything from the stories of any one of the approvers; nor is it apparent to us that he worked up his tale by commingling the four stories he had heard, any blending of which would have resulted in a jumble; which his evidence certainly is not.

It is hinted that the prosecution stood in need of his testimony to fill up the *lacunae* with regard to some of the accused against whom there was nothing worth speaking of. We have not been, however, referred to any particular instance in which his evidence furnishes proof against an accused person against whom there was absolutely nothing already on the record. We certainly repudiate the idea that the prosecution resorted to such tactics. But, if an approver supplies additional information, there is nothing objectionable in the prosecution availing itself of it. In dealing with individual cases we shall, of course, consider his evidence in the light of other evidence on the record. Speaking generally, we do not see our way to reject his testimony wholesale either on law or on the merits.

*** [(9) Kirpal Singh Spy's Evidence**

As regards his evidence, a summary of which we have given elsewhere, the learned counsel urged no legal objection, but simply criticised it as not wholly true. The difference between a spy and an accomplice is pointed out in 19 Bom. 363 (also in 38 Cal. 96). It is useful to quote a diction of Maule, Justice, in Reg *versus* Mullins, 3, Cox C.C. 526, at page 53, quoted with approval by the learned Judges of the Bombay High Court in 19 Bom. 363. "The distinction is clear. A spy may be an honest man; he may think that the course he pursues is absolutely essential for the protection of his own interest and those of

society…. The Government are no doubt justified in employing spies; and I do not see that a person so employed deserves to be blamed if he instigates an offence no further than by pretending to concur with the perpetrators. Under the circumstances, they are entirely distinguished in fact and principle from accomplices….They are not such persons as it is the practice to say require corroboration (per Maule, Justice, in Reg *versus* Mullins, 3, Cox C. C. 526 at 531)."]

We go further and point out, that the spy in the present case is abundantly corroborated almost literally by independent testimony. He has been throughout reporting his doings to the Amritsar police who suggested to him the service he readily accepted. Whatever his motives were, into which we need not enter, he has succeeded in securing the capture of some of the accused in the raid on house (1) which was manoeuvred by him skilfully. He has played his perilous role with tact and courage; and had his telegram reached the police in time, we would have seen that Arch Conspirator, Rash Bihari Bose, in the dock. The warning to the Lahore Cantonment authorities based on his information, and the ruse practised by him at the suggestion of the police to loot the Lopoki *thana,* clearly point to his useful service. No attempt was made to assail or to disprove any part of his testimony except his visit to Dadher, with which we will deal when considering the cases of accused persons from Dadher and Marhana.

(10) Relevancy of documents found in 1909 in Bhai Parma Nand's house and Judgement of the Magistrate in that case

Mr. Rughnath Sahai took exceptions to three documents—

(1) The Judgement of the Magistrate in the proceedings under section 110 of the Criminal Procedure Code against the accused,

(2) Bomb manual,

(3) A paper on which the partition of India is noted.

As regards the admissibility of these documents, we heard arguments, and reserved our order with a view to hearing Counsel more definitely as to their bearing on the case in their final addresses so as to be in a better position to judge of their relevancy.

We have given our best consideration to the matter.

It is unnecessary to decide whether the Judgement of the Magistrate in proceedings under section 110 of the Criminal Procedure Code is

admissible, or not, as we have come to an independent finding on the evidence in this case that the bomb manual and the paper noting a partition of India were found in a box of the accused in the house occupied by him in the manner alleged by the prosecution. We are not prepared to believe that they were left by Ajit Singh, who is said to have sublet the house to the accused; nor that the police introduced them. The accused has called D.W. 222, whose evidence is far from definite on the subject; at the best, it only suggests the possibility of their belonging to Ajit Singh. Indeed the Counsel for the accused did not seriously contest the discovery of them in the manner alleged by the prosecution. His remarks were chiefly concentrated upon arguing that the documents discovered are irrelevant in the present case. Since we have arrived at the same finding as the Magistrate on the evidence produced in this trial, we are relieved of giving a decision on the admissibility of the Magistrate's Judgement.

With regard to the admissibility of the two documents, the bomb manual and the paper noting a partition of India, it is conceded by Counsel for the accused that they are highly incriminating documents; but he argues that in the absence of proof of continuity of the accused's attitude, and in view of want of proximity between the possession of them and the present charge, the fact that the accused once had them is not relevant under any section of the Evidence Act. Reference was made to the following extract from 19 C. W. Notes 676, at page 691-692:–

> "No useful purpose would be served by an analysis of the special facts of each of these cases; but the principles deducible therefrom as to the law administered in England may be briefly formulated. Facts similar to, but not part of, the same transaction as the main act, are not in general admissible to prove either the occurrence of the main fact or the identity of its author. But evidence of similar fact, although in general inadmissible to prove the main fact or the connection of the parties therewith is receivable after evidence *aliunde* on these points has been given to show the state of mind of the parties with regard to such fact; in other words, the evidence of similar facts way be received to prove a party's knowledge of the nature of the main fact or transaction, or his intent with respect thereto. In general, whenever it is necessary to rebut even by anticipation, the defence of accident, mistake or other innocent condition of mind, evidence that defendant has been concerned in a systematic course of conduct

of the same specified kind as that in question may be given. To admit evidence under the head, however, the other acts tendered must be of the same specific kind as that in question, and not of a different character; and the acts tendered must also have been proximate in point to time to that in question. It is plain that the principles thus formulated are of no assistance to the prosecution." Page 692.

We have read the whole of the judgement from which the above extract are made and our opinion is that it does not militate against the relevancy of these documents in the present case.

The 1st main fact in this case is accused's association in a conspiracy to wage war; the 2nd main fact is the charge of sedition by publication of *Tarikh-i-Hind*.

That possession of a bomb manual and a contemplation of dividing India after the expulsion of the present Government are undoubtedly "similar facts", cannot be doubted; the one being the instrument, the other one concerned with administrative method after a successful overthrow of the present administration; and these cannot by any stretch of imagination be characterised as foreign to the conspiracy or the seditious conduct charged in this case. The continuity of the state of mind of the accused is not disproved by any overt act. His leaving India, association with Hardial, albeit for a short while, the facilities he afforded to the conspirators in India and the publication of proscribed book History of India, uninterrupted by anything pointing to the opposite state of mind, are clearly proofs of continuity. With regard to proximity of the discovery to the present charge, no hard and fast rule can be laid down. What is proximity in one case, may not be so in another case and *vice versa*. From the fact of the detective department not being in possession of information as to what the accused has been doing from 1909 to end of 1912, it cannot be presumed that the accused mended his ways, was repentant or that there was any change in the attitude of his mind. No doubt the accused says that for 8 months after the security order he stayed at home in his village; and that for a couple of years he studied Pharmacy in California University. Standing alone neither of these facts shows that he had banished from his mind his former propensities.

Moreover, evidence *aliunde* has been given in this case of "similar facts" which will, in the words of the extract, allow the reception of the documents to show the state of mind of the accused in relation to the

incidents deposed to by witnesses in this case, some of which are admitted by the accused. For instance, the visits of conspirators to him for the addresses of their associates in crime, the facilities afforded to one of them to change foreign coins, incidents otherwise innocent, may be viewed in a different light if the giver of such facilities is proved to have had a bomb manual in his possession some years before.

To construe the nature of the incidents deposed to by the witness, a finding as to the state of mind of the accused is a relevant fact; and any document which helps in the formation of an opinion on that point is also relevant under section 14 of the Indian Evidence Act.

Even assuming that above quotation helps the accused in any way, we have the authority of Ameer Ali and Woodroffe, learned commentators of the Evidence Act, at pages 92-93 in support of the view of the law we have taken:–

"So also, though the collateral facts sought to be proved should not be so remote in time as not afford a reasonably certain ground for inference, yet, such remoteness will, as a rule, go to the weight of the proffered evidence only (1)."

The above remark is based on R.V. Whiley, 2 Leach, C.C. 983, cited in R.V. Vaji Ram, 16B, 431(1892):

"True it is that the more detached the previous utterings are in point of time, the less relation they will bear to the particular uttering stated in the indictment; and when they are so distant the only question that can be made is whether they are sufficient to warrant the jury in making any inference from them as to the guilty knowledge of the prisoners; but it would not render the evidence inadmissible"per Lord Ellenborogh, See also *per* Lord Blackburn in R.V. Fransics, 12 Cox, c.c. 612, 614.

(It may be noted that R.V. Whiley does not appear to have been cited in the Calcutta case.)

Besides illustration (p.) to section 14 lends aid to the view we are taking. It is the following:–

"(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime is relevant. The fact that he said something indicating a general disposition to commit crimes of that class, is relevant."

Besides the relevancy to these documents in regards to the charge of conspiracy, they are clearly relevant to our minds to determine whether

the *Tarikh-i-Hind* is an historical work written in the interests of history, or a book written with a view to spread sedition. Previous behaviour of the author may negative in a particular case an honest motive in writing a treatise on an ostensible work of history, which is really a work intended to bring the Government into contempt, and incite disaffection.

On the above ground we hold that both the documents are not liable to be rejected as irrelevant, and we shall consequently consider them.

* **(11) Objection to the Admissibility of Ichhra Singh Approver's Statement**

With regard to this approver, it is contended by the defence that an illegal pardon had been granted to him, and that he is really an "accused person" and, on his own showing, an accomplice. We are asked to brush aside his evidence wholesale. We are not prepared to accept the learned Counsel's argument.

The facts are that under a misapprehension that he was triable in British Courts he was tendered a pardon with a view to utilise him as an approver; but, as a matter of fact, British Courts had no jurisdiction over him, as he was a subject of a Native State, and he had done nothing in British Territory. Under these circumstances the learned Government Advocate warned him of the illegality of the pardon, and made him understand his real legal position. Fully conscious of the situation, he willingly gave his evidence. There can be no doubt that this witness is not an approver in the sense of a legally pardoned accomplice. His evidence must be therefore treated as that of an accomplice. But he is not sent up here as an "accused" person. What we have said in regard to some other accomplices and *quasi* accomplices equally applies to him; namely, that we treat him as a guilty person on his own showing giving evidence and running the risk which his statement may imply. Over and above what we have said with regard to the other accomplices, e.g., P.W. 227-P.W. 231 we have further to remark that this witness can in no sense be called an "accused person".

By the word "accused" in section 342 is meant a person over whom the Magistrate or other Court is exercising jurisdiction 12 P.R. 1102, *per* Plowden, Justice.

An accomplice is a good witness even though he has been illegally discharged by the police - 16 Bom. 661; followed by Chief Court in P.R., 21, of 1914 (Cr.), which also refers to 23 C, 493, and adopts the

definition of "accused person" in 12 P.R. of 1902 by Plowden, Justice.

It is clear we have no jurisdiction over him, in regard to what he did at Lohatbadi in the Nabha State. In our court, firstly he is not an accused person; secondly in regard to his main actions we have no jurisdiction over him. He is therefore a competent witness in the case.

(12) Retracted Confessions

A retraced confession has to be looked at from two standpoints, firstly what is its value so far as it affects the person retracting it, secondly, what is its value when considered against the co-accused under section 30, Evidence Act. It may be mentioned that a confession made before the trial, either judicially or extra-judicially, is relevant against the prisoner under section 21, and if adhered to at the trial, will be doubtless a perfectly good basis for a conviction. The rule of practice, however, is that if it is retracted at the trial, it is unsafe to convict on that alone; for the obvious reason that the possibility of its involuntariness renders it an unsafe guide to base conviction thereon. With regard to an unretracted confession section 30 gives the Court the power or discretion to consider it as against the other co-accused, but it never ranks as on the same footing as sworn evidence. Although section 30 makes no difference between a retracted and an unretracted confession, yet rules of practice have recognised a distinction. To consider a retracted confession as against
* a co-accused is deprecated; and warnings are given by eminent Judges against basing any conviction solely thereof; but there is no rule of law to the effect that in no case can it be considered as against co-accused. The prudent practice is, except in exceptional circumstances, to ignore it against the other co-accused.

We need not refer to all the rulings cited to us. In 16 P.R. of 1903 (Cr.) the learned Judges of the Chief Court have laid down the law with sufficient clearness. It was considered in their latest ruling reported as 30 P.R. of 1914, where the learned Judges lay down the following rules deducible from authorities:–

(i) That it is not illegal to base a conviction upon the uncorroborated confession of an accused person, provided the Court is satisfied that the confession was voluntary and is true in fact;

(ii) That, from the point of view of legality pure and simple the fact that a confession has been retracted, is immaterial;

(iii) That the use to be made by the Court of a confession, whether retracted or not, is a matter rather of prudence than of law, the business of the Court being to make up its mind, in accordance with the dictates of common sense, whether it is safe to believe the confession or not;

(iv) That experience and common sense shew that, in the absence of corroboration in material particulars, it is not safe to convict on a confession, unless, from the peculiar circumstances in which it was made, and judging from the reasons, alleged of apparent of the retraction, there remains a high degree of certainty that the confession, not withstanding its having been resiled from, is genuine;

(v) That, when it is a question of using a confession against a co-accused, the Court would not be prepared to accept the confession *per se* as sufficient, the corroboration ought to be of the kind that not only confirms the general story of the crime but also unmistakably connects the said co-accused with the crime.

*

1. There is only one regularly recorded confession of Nand Singh.

2. There is one statement by Inder Singh, *Granthi,* signed by him and recorded by the Jailor - P.W. 192.

3. There is a substance of conversations with Sohan Singh, recorded by the Jailor-P.W. 193 (E.P. 204 A dictated to Khair Din and E.P. 204 B written by him).

In considering these confessions we have not only to bear in mind the rules for guidance stated in 30 P.R. 1914 above, but also a Calcutta case 40 Cal. 873, where it was ruled that where confession is partly false, e.g., as to motive, it cannot be rejected wholesale; and when an entire statement of an accused is given in evidence, any part of it may be contradicted by the prosecution, the Court may accept the incriminating part and reject the exculpatory portion.

It will be useful to bear in mind this rule with reference to part of Inder Singh *Granthi's* statement which is partly incorrect, e.g., as to Burman Singh and the Presidency and Secretaryship of the *Ghadr* newspaper, as well as the erroneous part in the confession by Bakhshish Singh to the *Zaildar* Gurbakhsh Singh (P.W. 124) where Mula Singh is inaccurately described as one of the dacoits.

1. Nand Singh's confession

We must note here that Nand Singh, in resiling from his confession before the Magistrate, does not state he was tutored into making it. He admits he signed it. It is ridiculous to think that the police tortured him to do so. His explanation that it was a short one and was added to by the police is so absurd as to be unworthy of consideration; and carries with it its own refutation. To our minds it was a perfectly voluntary and a true statement, which proves his guilt. We will not, however, treat it as of the same value as sworn *evidence,* but only *consider* it against the other accused for the obvious reason that, when compared with other independent evidence, it represents a correct state of affairs. As against the maker of it (Nand Singh) it will be treated as a perfectly effectual confession in no way other than voluntary, though retracted at the trial.

2. Indar Singh's statement

Indar Singh has nothing to offer by way of reasonable explanation how this statement came to be recorded. He admits it bears his signature, but says it was not read out to him. When read out to him here he states a part of it was based on hearsay, part he admitted to be true and as to another he says he never made it, namely, that it is wrong in fact. A detailed description of these parts is given later. We place this statement on the same footing as Nand Singh's confession, except in the part where it is found on the evidence to be erroneous. It is proved by P.W. 192.

3. Sohan Singh's (74) conversation with the Jailor

Sohan Singh's (74) conversation with the Jailor is altogether denied by him, but it is proved by P.W. 192. It is clear that the Jailor, though putting down the gist of the talk with accused on different days, partly written by himself and partly dictated to Khair Din, could not have invented the facts stated in it, nor the sentiments embodied in it, from his own imagination. We absolutely decline to entertain the idea that it was concocted by the Jailor. We also overrule the argument that because Criminal Investigation Department people were there about, it is to be rejected on that score. There is authority in support of the view we take that such a conversation to a man other than a police officer is admissible even though a police officer may be present at the time — P.R. 8 of 1914 (Cr.). There is also authority for the view that a Jailor is not a police officer — 20 B. 795.

It is an incriminating statement, the result of conversations which may be received in evidence against the accused; and because it was made at a time when the accused was not an "accused person" and therefore not a confession of a co-accused properly so called, it can be used as a statement of a conspirator admissible under section 10 of the Evidence Act. Consequently we shall use this epitome of conversations against the accused Sohan Singh and treat it as a statement of a conspirator with regard to conspiracy under section 10, Evidence Act.

(13) Waging of War

(The discussion on this topic has been shifted to Part III-F, Waging War and Abetment Thereof. *Editors.)*

(14) Approvers' Testimony

It has been contended by every one of the Counsel for the defence that —

(a) Approvers' testimony should be presumed, as tainted evidence, to be untrue; it should not be acted upon without corroboration by untainted evidence in material particulars.

(b) That the corroboration in material particulars should be not only with regard to the crime, but in respect of every accused; corroboration as to one accused is not sufficient to convict another.

(c) That one accomplice's testimony is legally not a corroboration of the other.

(d) That if an accomplice is disbelieved in part, the whole of his testimony is to be rejected.

(e) That there is no independent corroboration in the present case.

(f) That the confessions, particularly when they are retracted, cannot be used to corroborate accomplices.

A number of authorities have been cited before us in support of the above propositions. Before referring to the authorities cited by the defence Counsel and the Government Advocate in reply, we may at the outset quote the conclusion arrived at by Sir Donald Johnstone, Justice, in the Delhi Conspiracy Case. He says:–

> "Notwithstanding section 114 and illustration (b), the Courts are not tied down in any technical way; but it is their duty when deciding (i) whether any corroboration of a particular accomplice is required, (ii) what amount or kind of corroboration is required, to look at the question as a prudent man, desiring to avoid error and to arrive at the truth, would look at it."

The learned Judge studied the cases cited before him; every Punjab case was cited before him in addition to 10 C. 970,29 C. 782 of the Calcutta High Court.

There are many more on the subject which we will discuss. It may be mentioned in passing that, although their Lordships of the Privy Council did not entertain the appeal in the Delhi Conspiracy Case, they nevertheless characterised the practice of corroboration of accomplices' testimony as "prudent" pratice, which clearly conveys the idea that the rule of requiring corroboration is not a rule of law, but only a rule of practice. This coincides with what Plowden, Justice, ruled in P.R. 14 of 1894 (Mamun *versus* Queen Empress).

> "It is by no means a rule of law, but it is a true proposition, that the evidence of an accomplice requires just as much or as little corroboration as is needed to convince the mind of a prudent person that the facts alleged against the accused are proved."

In addition to the cases cited at the bar, we have consulted some others also.

Let us first notice the argument of the learned Government Advocate. He argues that—

(a) It is discretionary with the Court to raise the presumption that an accomplice is unworthy of credit unless corroborated in material particulars. The present is a case in which the Court should treat accomplices as ordinary witnesses, because each accomplice's story carries conviction in itself and needs no corroboration;

(b) (2) the rulings cited by the defence do not touch upon the proviso (b) to illustration (b), which is the following:–

> "A crime is committed by several persons, A, B, C,..., three of the criminals are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable." In the rulings cited by the defence we do not know how the accomplices were captured, nor whether they were kept apart.

They do not at any rate show that the attention of the courts was drawn to the proviso (b) to illustration (b);

(c) in the present case, except Umrao Singh who had heard the evidence of some of the accomplices before he turned an approver, all the approvers made their statements under circumstances which negative the idea of any previous concert. Consequently, the presumption that an accomplice is unworthy of credit ought not to be raised at all in the present case; and if raised initially, it is rebutted by the circumstances that the accomplices were kept apart, and yet corroborate each other in the account each gives of the crime. Once it is granted that the above propositions are true, it logically follows that it is unsound to hold that one "tainted evidence" cannot corroborate another "tainted evidence"; for, if the presumption of untrustworthiness is not raised, an approver's evidence cannot be stigmatised as "tainted". The accomplices in the present case rank with ordinary witnesses, and, if they in the main agree, each corroborating the other, no further corroboration is needed;

(d) the necessity for corroboration as to each accused is based on the assumption that an accomplice is presumably unworthy of credit. But if the accomplice is believed on account of the intrinsic worth of his testimony from the circumstance of being kept apart from other accomplices, and nevertheless giving the same story in substance, it is contended that one accomplice must be treated as corroborating the other, therefore no corroboration by any other independent evidence would be necessary;

(e) that it is not correct to say that if an accomplice's testimony is in part not true, that the whole of it should be rejected: the rule *"Falsits in unofalsus in omni"* has always been departed from in India. The observations of the learned Judges in the Delhi Conspiracy Case regarding Dina Nath, approver's testimony were referred for;

(f) that there is over-abundant corroboration by independent testimony in the present case;

(g) that the confessions, though retracted, are none-the-less confessions of co-accused and are referrable to for

corroboration.

Before we deal with these arguments, let us go over some of the cases.

9 All. 528 — This is a case in which Sir John Edge, Chief Justice, discusses the rule of practice with regard to accomplices' evidence very lucidly. In his opinion, corroboration by independent evidence is not indispensably necessary. If the evidence carries conviction, no corroboration is necessary. Straight, Justice, in substance agrees with him; he would treat each case on its own merits. Broadhurst, Justice, requires corroboration in material particulars.

1 All Law Journal 110 — It was ruled that the accomplice's evidence should not be acted upon without corroboration in material particulars, except in a case in which a Judge, from the evidence itself, feels no hesitation in believing it without corroboration. But if corroboration is needed, it should be in regard to every person the accomplice's evidence affects, and a co-prisoner's confession is not a corroboration.

12 Criminal Law Journal 537 (Oudh) — The rule is that an accomplice must be corroborated, not only as to the narrative of the offence, but also in regard to the particular accused who is charged with an offence.

18 C.W. Notes 550 — To the same effects as 12 Criminal Law Journal 537.

19 C.W. Notes 584 — In order that a co-accused's confession be considered against the other accused, corroboration by independent testimony is needed.

XIV Bombay 115 as p 119 — In order that a co-accused's confession be considered against the other accused, corroboration by independent testimony is needed.

241.C. 153, Madras — Although the evidence of an accomplice is of higher value than the confession of a co-accused; yet, in most cases, it is treated on the same footing for all practical purposes. The judges refer to 38 B. 156

35 Madras, 397 Full Bench of Five Judges — In this case the whole subject of the value of accomplice's evidence is fully thrashed out.

The question before the Court, as formulated in the reference, was:–

> Does the evidence of an accomplice require corroboration in material particulars before it can be acted upon; is it open to the Court to convict upon the uncorroborated testimony of an

accomplice if the Court is satisfied that the evidence is true?

Benson, Wallis, Miller, Justices, held that the Court is not bound to presume that an accomplice is unworthy of credit unless corroborated in material particulars. Abdul Rahim, Justice, was of opinion that, except in special circumstances, the Court should raise the presumption referred to in illustration (b).

Sunder Ayyar, Justice, generally agreed with the *dictum* of Sir John Edge in 9 All. 528; but was of opinion that the proper course is to make the presumption, unless there be special occasion for not doing so.

In addition to the above, there was also a subsidiary question in the case, namely whether a previous statement of an approver can be received as corroborative of his testimony under section 57, Indian Evidence Act. Sunder Ayyar, Justice, would not treat it as corroboration at all; the other Judges held that no hard and fast rule capable of a mechanical application can be laid down. It may be so in some cases, in majority of cases it is only a repetition.

In addition to the above, we would like to quote a passage from 27 Madras 71, where that eminent Indian Judge Sir Bhusham Ayyangar is reported to have said:–

> "It is doubtful whether the practice which has become 'hallowed by time' is not one of the instances in which the law of the country is subtilized for the protection of individuals (including notable corrupt officials), and not for the furtherance of justice.... The rule of corroboration results in a strong temptation to suborn evidence to corroborate. It acquires undue importance and this and the approver's testimony are both easily credited." The net result is that there may be cases in which the Court may not raise the presumption that an accomplice as such is unworthy of credit. The question then is whether the present is a case in which we should not start with a presumption of untrustworthiness of the accomplices' evidence? Here there are no less than eight approvers, in addition to an illegally pardoned accomplice, and a few witnesses who are called by defence Counsel as "practically accomplices."

Now, what is the test to determine whether in a particular case the Court should not make a presumption under illustration (b) section 114 and dispense with corroboration in material particulars?

It is clear that an accomplice is self condemned man; it is not his

respectability, which is his recommendation. It must be therefore, the intrinsic worth of his story, which may induce the Court not to raise the presumption of his untrustworthiness. The proviso (b) to illustration (b) is one of the tests, which may usefully be employed to justify a Court in placing an accomplices' testimony on the same footing as that of any other witness. Leaving hypothetical cases aside, we have that test pre-eminently in the present case. The following table will show the dates of arrest, dates of statements before the police and Magistrates and the stations where each approver's statement was recorded; we have also included in this table Ichhra Singh the illegally pardoned accomplice:–

Approver	Arrest	Police	Magistrate	Station
1. Amar Singh	19.02.1915	03.03.1915	From 06.05.1915 to 14.04.1915	Lahore
2. Mula Singh	13.02.1915	From 12.03.1915 to 14.03.1915	From 06.04.1915 to 10.04.1915	Amritsar
3. Jwala Singh	30.11.1914	09.12.1914	From 06.04.1915 to 09.04.1915	Ferozepore
4. Nawab Khan	19.12.1914	(Once) 23 & 24 Dec. (again) from 25.12.1914 to 10.01.1915	From 14.04.1915 to 17.04.1915	Jullundur
5. Narain Singh	14.02.1915	...	From 14.04.1915 to 17.04.1915	Ludhiana
6. Sucha Singh	23.02.1915	...	From 07.04.1915 to 13.04.1915	Ambala
7. Ichhra Singh	14.02.1915	...	From 14.04.1915 to 17.04.1915	Ludhiana
8. Udham Singh	19.03.1915	...	From 06.04.1915 to 07.04.1915	Amritsar
9. Umrao Singh	23.02.195	26.05.1915	...	...

From the above table it is clear that the police officers at Lahore, Amritsar and Ludhiana were conducting investigations *re* dacoities reported to them. Until the approvers made full statements, the police were not sure whether there was a common origin for the dacoities committed on different dates in different districts. It may be true some information was in the possession of the Criminal Investigation Department as to the doings of Hardial and his lieutenants and confederates; and we

may perhaps presume also they were more or less aware of the trouble which emigrants on their arrival in India were likely to give. They must prior to their arrival have got hold of some copies of the *Ghadr,* and similar revolutionary literature issued by the *Yugantar Ashram;* but that they could have known all that the approvers have stated, before their statements were recorded, is obviously a physical impossibility. No concert of the approvers between themselves to concoct stories which each was to relate has been made out. On the contrary, it is established beyond a shadow of doubt that all approvers were kept apart and had no sort of communication, direct or indirect, with each other.

Were they tutored by anybody to make the statements? If so, by whom and when?

To entertain an idea of this description we would have to —

(a) assume the existence of a genius, a master mind, possessed of a marvellous power of concocting fiction, and a still more marvellous power of manipulation of a story in half a dozen clever settings so as to defy the detection of a common source, or to assume the existence of several men with wonderful capacities of concocting imaginative stories in a conference and of thereafter preparing so many diversified presentations, and making various approvers commit them to memory and faithfully reproduce them without any aid;

(b) suppose a superhuman retentive memory in approvers capable of retaining the inordinately long stories learnt by them;

(c) credit the real authors of the stories with a knowledge of all the towns and factories in America and elsewhere, some of which are not even noted in ordinary *extant atlases;*

(d) presume pre-knowledge of all the Urdu poems and Panjabee doggrel so fluently recited in Court by some of the approvers from memory.

If the above assumptions are wholly unwarrantable, have then the approvers invented these false stories independently of each other, and if so, on what theory can the *consensus* in them be explained?

We would have to credit each of the eight approvers with possession of some second sight or occult power capable of knowing the stories, which every one of the others has manufactured to explain away the innumerable coincidences, certainly not fortuitous, which we find in their statements.

As the Government Advocate puts it, following the rule of *reductio ad absurdum,* we must reject all the above theories without a moment's hesitation and hold that their statements are true.

Parts of the stories of some of the approvers are common; stories of others are independent and relate to different sets of facts. For instance:–

Amar Singh swears to incidents *re* the formation of the conspiracy in America, its development on the voyage back to India on the *Korea,* and principally to the doings of the conspirators at Lahore and Amritsar.

Much of the same is sworn to by Mula Singh, with the addition of details as to the disposal of the proceeds of some of the dacoities, and some additional incidents occurring at Amritsar and surrounding villages.

Jowala Singh swears principally as to what occurred on the voyage by the *Mashima Maru* and the plans for looting the Lahore Cantonment. Nawab Khan swears as to what occurred in Ameraica and on the voyage of the *Korea* with greater richness of details and the doings of the conspirators in the Malwa tract.

Narain Singh and Udham Singh swear to dacoities organized by the conspirators.

Sucha Singh testifies principally in regard to the collection of materials for the manufacture of bombs, the circulation of revolutionary leaflets, and his mission to tamper with troops, in addition to his visits to Lahore and Amritsar the two central seats from which all directions were issued. Umrao Singh swears to some incidents in America by way of additional information, and to the dacoities at Mansuran and Sahnewal. It follows therefore, firstly, that we have not to deal with one story put into the mouths of all the approvers and related differently, nor, secondly, with the employment of a number of accomplices as approvers in order to make a show of overwhelming evidence; but each approver swears to some common facts and a great deal more apparently not known to the others.

The line of argument adopted by all the counsel is that the testimonies of all these approvers stand in need of corroboration. Some have argued that their statements are discrepant; which, of course, implies that either they had forgotten the stories they were tutored to tell, or that they do not emanate form a common source. Nothing specific has been urged as

to why Amar Singh, Mula Singh, Narain Singh, Udham Singh, Sucha Singh should make the statements they have made, beyond some hazy and indefinite accusations of substituting or naming wrong persons, or of exaggeration to save their own necks, and a few accused attribute personal enmity on behalf of some of the approvers.

> With regard to Jowala Singh, it is alleged that he is a disreputable character and ought to be disbelieved. He is, doubtless, a disreputable character; drink and rowdiness or other propensities to commit crime are put forward disentitling him to credit. We do not agree in this argument. He is no worse then bomb-makers, dacoits, revolutionists, as the other accomplices are. The question is not, what is his character? All accomplices are blackguards on their own showing, and the question is, is he an accomplice *now* speaking the truth, liable if he fails to do so to be landed in the dock according to the terms of his pardon? We have no reason to disbelieve this man.

As to Umrao Singh, the objection of the counsel is that he had heard most of the evidence; and that his evidence with respect to what occurred in America implicating some of the accused, would not have been available if Dalip Singh, approver, had not died; because if alive he would have been produced, and this approver would not have been tendered pardon. But he did not hear Sucha Singh's statement, nor the evidence, which followed Sucha Singh. Nothing is seriously urged as to his evidence *re* the Mansuran and Sahnewal dacoities. With regard to his evidence about the presence of some of the accused at the *Ghadr* Press, and some minor additional information as to what occurred in America, we fail to see how his evidence can be brushed aside simply because he became an approver at a late stage of the trial.

Nawab Khan has been singled out for a severe attack by all the counsel for defence. He is stigmatised as a fanatical Muhammadan, more a spy than an accomplice. His evidence is also criticised in some detail by comparing it with that of Mula Singh and Amar Singh to show certain discrepancies. Counsel seem to have overlooked that if this man were a spy, they were weakening their position; because, as such, his evidence would not require corroboration, but itself would serve as corroboration of the testimony of other approvers. It is true that he himself admits that sometimes his behaviour erroneously led to a belief in the minds of some of the conspirators that he was a spy; but this is another proof of his out-

spokenness, he could well have repudiated that assertion without any fear of contradiction. The view we take of him is, that he is a vain and boastful adventurer, at times carried away by the fascination of a Hindu and Muhammadan union; another time he sees things going in such a way as to make him suspect that the ostensible union of interests has beneath the surface only the advancement of Hindus. His zeal for co-operation, though endeavoured to kept up by flattering assurances, had unconsciously slackened, but had not altogether vanished when he arrived in India. In India he was entrusted with important work and some sort of freedom of action. Active co-operation by conspirators, and a speedy accomplishment of the task were expected by him; but he was not given a supreme control of affairs in the tract which was to be the scene of his activities, and so, after a few unproductive and abortive dacoities and aimless wanderings, luke-warmness set in, and eventually his zeal languished. After his arrest he agreed to disclose the conspiracy to secure a pardon; also promising to supply the police with such information on the sly, as he was able to obtain.

That he was considered a person capable of influencing his coreligionists in America is evident from the fact that he was greatly sought after there. He is the "Nabu Khan" in Inder Singh *Granth's* confessional statement; he was regarded as a man of some capacity worth using as a tool of the conspiracy in India, or else he would not have been asked to return to India as early as possible with only the clothes he stood in. His sympathy with his co-religionists in Turkey happened opportunely to coincide with the propaganda of the revolutionaries of another religion.

It is next argued that he mentions so many facts and incidents, exaggerating colouring and embroidering them all, which neither of his confederates, Mula Singh and Amar Singh allude to; omitting some they mention in their statements. This does not detract from his veracity. Nature has not gifted all men with equal memories; which accounts for the mention of some facts in one man's deposition, which are omitted by the other.

There is another reason also for some errors of omission. All three of these approvers stated their stories in narrative form before different Magistrates who recorded them in the same manner, occasionally interrupted by a question so to clear up some obscure point; and, although in the present trial, their statements were elicited by questions, yet the basis of the questions were their magisterial statements.

In no particular has the evidence of any one of the approvers been

found wrong or disproved, except in regard to the date of an unimportant Phagwara meeting which was misstated by Amar Singh. Nawab Khan has cleared up that date and the Government Advocate's explanation regarding the errors is satisfactory. There is one discrepancy between Nawab Khan's and Amar Singh's statements which needs notice.

It is true that about the visit to the German Consul Amar Singh and Nawab Khan do not agree; the former says he also went there, the latter says not. This may be due to Nawab Khan's failure of memory; or, possibly, he has arrogated solely to himself what he regarded an important Commission.

After considering the legal literature and the testimonies of the approvers, and ail the surrounding circumstances, we are of opinion:—

(a) That we do not feel called upon to make the presumption of untrustworthiness under section 114 III. (b), in view of proviso to (b), this proviso being exactly in point in the present case.

(b) We shall treat their testimonies as those of ordinary witnesses to which we will not apply the maxim *Falsus in uno Falsus in omni,* which is, according to Mr. J.B. Norton (Commentator of the Evidence Act), a somewhat dangerous maxim everywhere, but especially in India (Legal Maxims by Sri Nawas, p. 416).

(c) Treated as ordinary witnesses the approvers need not be corroborated if their evidence carry conviction, as in the present case.

(d) Each approver giving an account of the same facts in common with others must be treated as corroborating the other, not as presumably untrustworthy accomplices, but as ordinary witnesses.

We shall presently give in substance the evidence of the eight approvers *seriatim* for comparison as to the matters in which they agree, and as to what additional information each supplies. We shall then treat of corroborations; but, before we do so, we may observe that there are only a few of the accused persons against whom there exists only the approvers' statements; in the case of a large number of them there is abundant, against some overwhelming corroboration, while against some there is direct evidence of guilt of an independent and trustworthy character. We will also show that, far from the police cooking stories for approvers, it is the approver in fact who gave clues of several criminals,

of articles, subjects of dacoities, of arms and ammunitions, bombs and their material, and also gave information leading to discovery of revolutionary literature and the machines which multiplied it, and of tricolours and the like. The defence counsel, when talking of corroboration, conveniently ignore these discoveries; and seem to think that oral testimony is the only form of corroboration. The present case, it must be said to the credit of the police, is scrupulously free from any "padding". Yet we have over abundant corroboration oral and documentary; and where the only evidence against an accused is that of an approver, we will when treating individual cases carefully weigh it.

CORROBORATION

A Documentary

The following are the documents, which materially corroborate the approver's statement:–

(i) Exhibit P. 98 A, B.
(ii) Exhibit P. 150 series and Ex. P. 151 A, B, C, D and F, Ex. P. 152, Ex. P. 153 A.
(iii) Exhibit P. 190 A.
(iv) Exhibit 190 B.
(v) Exhibit 190 C.
(vi) Exhibit 190 D.
(vii) Exhibit 205.
(viii) Exhibit 227.
(ix) Exhibit 260.
(x) Exhibit 273.
(xi) Exhibit 274.
(xii) Exhibit 299.
(xiii) The *Ghadr* newspaper, Ex. P. 300 A.
(xiv) *Ghadr Sandesa*, P. 23.
(xv) *Ghadr-ki-Gunj*, P. 6.
(xvi) *Ilan-i-Jang*, P. 28.
(xvii) Some minor exhibits.

We give a brief description of these *seriatim.*

(i) Exhibit P. 98 A, B.

The exhibit consists of two slips of paper found during the search

of the Gawal Mandi (Lahore) house after the police raid of the 19th February. It has been proved to be in Rash Behari's handwriting. An expert (P.W. 179) has compared it with (P. 188) his proved handwriting, the standard handwriting being proved by P.W. 162. In slip (A) a part is unintelligible, a part undecipherable. Whatever can be read or reasonably studied in the light of other facts leads to the following results.

The writer mentions an appeal to Muhammadans to join, and to *pardah* houses being wanted to avoid detection. Frontier Muhammadans are to be sought to supply arms and ammunition. "Printing" meaning thereby printing literature, is spoken of, also the amalgamation of Hindus and Muhammadans. "Rupees 2,000" are mentioned; but not whether this amount was received or disbursed. The abbreviation "Nidh" = Nidhan Singh; "Ich" = Ichhra Singh; "Randhir" probably the ex-Tehsildar, an agitator mentioned by Ichhra Singh; "Jagar" is possibly Ujjagar who accompanied Sucha Singh to tamper with the troops; "Uttom" is the absconder (79), who had a seven chambered revolver (RW. 198) and who gave money Rs. 1,000 to Nidhan Singh (RW. 268). The coming of "two Jats" is mentioned. "Information about R. & C." means probably revolvers, etc., "gold to ready tomorrow" probably refers to melting of gold ornaments. "A. S." very likely is Amar Singh. "Form" cannot be anything but Kohli forms. Five lb. is corrected to 4 lb; probably potash. We cannot make out anything of "B's address"; possibly B may be Narinder Banerji— (see Mr. Denham, RW. 396). "Two houses +1" means three houses, but we can make nothing of the figures.

Slip (B) "two + 1 houses" obviously means another house rented. "Printing" means, of course, literature. Below Rs. 250 occur "Pundit Ram," the amount may have some connection with the name, or may be unconnected.

There are some figures again of which one cannot make out anything. There is one word "transposition"; and as there seems to be an apostrophe on 's' after *"trains"*. It may be "trains' position" the position of a train which it was proposed to wreck; or it may mean "transposition" of figures above this word. In slip A, the words "address of B" occur. In the slip B the words "Narinder or Nara Sunder's full address" appear. Zenana Muhammadan houses for store and residential purpose are referred to, and Muhammadan workers are said to be wanted. One Muhammadan is to be got (for) Asr. house (=Amritsar house) and "one for each of the other houses".

To give a clearer idea we reproduce the slips as they are with our comments opposite. It is hardly necessary to point out that these two slips materially corroborate the evidence as to designs and incidents:

P. 98 A.

		COLUMN I.
B.'s address, Loan Rs. 200	...	May be Narender Banerji, (Denham) P.W. 396.
Appeal, Muhd.	...	Appeal to Muhammadans to join.
Storied houses	...	One-storied houses will not do.
Frontier Muhammadans Help in A and A	...	Frontier Muhammadans must be taken in hand, they will help in arms and ammunition.
Safe place for retreat and training	...	Obvious .
Printing	...	Obviously seditious Literature.
Amalgamation H. and M.	...	Amalgamation of Hindus and Muhammadans.
Orders and workers in other places	...	Obvious.
Co-operation	...	
Money (First two letters obscure)	...	
Man returned or not with what success.	...	Somebody was deputed for some work, inquiries whether he has returned, with what success.
Arrangement for stay in a Muhd. house family house.	...	Obvious.

		COLUMN II
Utom	...	Absconder (79) alias Raghu Singh who took part in Rabbon dacoity (3rd February 1915). Had a 7-chambered revolver which he left with Ichhra Singh (P.W. 198), p. 256, See also P.W. 268 as to money given by him (Rs. 1,000) to Nidhan Singh.
Prips communication	...	Cannot make anything of this.
Money Rs. 2,000	...	Either Rs. 2,000 had come in or

were reuired.

50 =12 or 18; 80 = 20	…	Nothing can be made out of these figures.
Nidh to Ich.	…	Nidh. Evidently means Nidhan Singh. Ich. means Ichhra Singh. **Note:–** Nidhan Singh did go to Ichhra Singh to arrange for removal of explosive materials from Jhabewal to Lohatbadi.
Randhir, Uttom, Jagar = Send those must [illegible word (s/'c?)] join.	…	Randhir is the ex-Tehsildar mentioned by Ichhra Singh as a seditionist. Uttom is the man also mentioned at the top of the column, absconder (79). Jagar may be Ujjagar, the man mentioned by Sucha Singh who accompanied him with pamphlets to cavalry at Ambala p. 280. A Bengali may have omitted "Uj" and only noted "Jagar".
Infor, about R. & C.	…	Probably information about revolvers, etc., perhaps cartridges.
Gold to ready to-morrow	…	Probably conversion of gold ornaments into gold bars.
A. S. goes Batala Saturday	…	Probably A.S. means Amar Singh, approver.
Two houses + 1	…	Clear.
Rupees to be sent. B come Sunday	…	Cannot make anything as to who is B and where rupees sent.
5 lbs. 4 lbs. Forms	…	Refers to 5 lbs. of potash, which perhaps turned out to be only 4 lbs. "Form" Probably mean"Kohli Forms".
(Obscure) probably to-night, 2 Jats	…	Probably means to-night two jats came in.

P. 98 B.

COLUMN (1)

2+1 house	…	Makes 3 houses.
Printing	…	Printing leaflets, presumably.
S		
50…..12, 55…..6, 80…..20	…	Cannot make anything of this.
Transposition	…	There seems to be an apostrophe on the s of trans. May be train's position, to wreck it; or transposition of the figures above.
Ram to come for M.	…	M. may means mutiny or Mian the latter probable.
Mir,		
Narinder's (or Nara Sunder) full address	…	Possibly the Bengali entioned in Mr Denham's statement, 396 P.W., asNarinder Banerji.

COLUMN (2)

Muh. Occupied and rented house for store and work. Also in this connection Muh. Workers one Muhd. Muhd. Wanted	…	Obviously a secure place of *zanana* residence to avoid detection.
A'sar house	…	Means Amritsar house.
One each for other places.		

(ii) Exh. P. 150 F.G. Exh. P. 151-(A.-F.), Exh. P. 152, Exh. P. 153)

Exh. P. 150 F.G.	…	Are a decipher code key and the key to vowels.
Exh. P. 151 A. B.C. D. F.	…	Cipher papers found on the person of Inder Singh (28).
Exh. P. 151 E.	…	Is a slip in pencil noting-figures of armies and police.
Exh. P. 152	…	Is a decipher record of cipher papers P. 151 A.B.C.D.E.
Exh. P. 153 A.	…	Exercise book.
Exh. P. 152 B.		

Of these the cipher code keys do not require any specific mention, except that they were supplied by the accused Inder Singh, *Granthi* (28). The document we are principally concerned with is P. 152 in a literal cipher, which this man pretended at Hong-Kong was a religious tract,

and was thus allowed to bring with him. Compare Nawab Khan's statement in this respect.

Composed in different metres, it is a call to Indians to revolt against the English, accusing the latter of having reduced India from a garden to ashes, and of having drained all the wealth of the country. The spread of diseases like plague is ascribed to them; cow-killing is prominently mentioned to excite Hindu sentiment; and the use of animal charcoal in purifying sugar is also mentioned in order to prejudice Indians against the use of foreign sugar. Reference is made to Ram Singh, the founder of the Kuka Sect; and Tilak, Arabindo Ghose, Kanya Lal, Dhingra, Ajit Singh are referred to as martyrs. Allusion is made to Hardial as a living martyr. He is described as Dial (beneficent), a man who is preaching mutiny loudly! India, described as a sleepy lion, is exhorted to arouse herself from slumber and expel the whites who are stated to be exploiting India to the point of devastation. They are spoken of as "Christians becoming proprietors of the land", and are also accused of spreading disunion between brother and brother.

A Ghazul (poem) recited by the Amar Singh in Court *(Bharat Mata Ki Faryad)* (P. 60) is copied in this in full. So is the poem *"Hindustan Hamara"* too well known to require description. Arya Samajis and the *Khalsa* are implored to unite.

In fact, all that can be perverted with the object of poisoning the mind of the reader or the hearer is given in this document. No useful purpose will be served by reproducing here all the diatribes levelled at the British. It is impossible to conceive that this *Granthi* could have composed it on his own initiative. One can easily detect the influence of Hardial's lectures and writing which every stanza betrays. The part ascribed to the accused by the approvers is amply borne out by this paper. A suggestion that their evidence is a pure fabrication of their imagination is absolutely negatived by the perusal of this effusion. The accused has the audacity to deny that he ever had it, or supplied the key, or read it to P.W. 89 (Sukha Singh).

In 153 A, which is an exercise book, English words are given with their equivalent in Gurmukhi. Curiously enough, the name of Hardial appears in this; but the accused in his statement says this is some Hardial from whom he used to receive telegrams from Washington, but whom he did not know personally.

Exhibit 151 E- is a sheet of paper written in pencil, in which the

armies of Germany. Italy, France, England, Turkey, etc., are noted in figures.

On the reverse is noted the strength of the police force but it is not stated which country the police belong to. Figures of police constabulary and of various higher police officers of different grades are noted. This paper, the accused admits, is in his handwriting. Can we not infer from this the working of the mind of this man? What earthly necessity had a Sikh itinerant preacher to keep a note of the numerical strength of the armies of European nations, and the statistics of a police force in British or foreign territory?

Exhibit 153 B-This form the credentials of the accused (28) from "The Pacific Coast *Khalsa* Dewan Society", which the *"Ghadr"* shows was a revolutionary institution.

The object of his return to India can be well gathered from the literature this man was found in possession of. It is absurd to argue that the Jailor, or the C.I.D. people, fabricated all these writings in order to implicate the accused.

(iii) Exh.190 A, (iv) Exh.190 B, (v) Exh.190 C, (vi) Exh. 190 D.

These four exhibits may be dealt with together.

Exhibit 190 A is a Sararoga trunk with a false bottom, and *Exhibit 190 B* is similar.

Exhibit 190 C consists of two *Ghadr-ki-Gunj* and three Gurmukhi copies of the *"Ghadr"* (found in Exhibit 190 A), dated 9th **June** 1914,30th June 1914,14th July 1914.

Exhibit 190 D is an Urdu edition of the *"Ghadr"* found in Exhibit 190 B (dated 16th December 1913).

On the 25th March 1915 P.W. 175 Mr. Clements of the Customs Department in Calcutta was ordered to look for two packages marked "K.R.M." or any combination of these letters on board the *Kawachu Maru*. Two crates bearing the letters K. R. M. were found, in which were the two trunks- P. 190 A and 190 B with false bottoms. In addition to the letters K.R.M. the crates bore the marks K. Ram. They were taken to Delhi sealed up and handed over, on the 1st April 1915, to Mr. Petrie: they were opened in the presence of Sir Charles Cleveland, Mr. Petrie; and were found to contain some arms, ammunition, and other implements. In one of them copies of the *Ghadr-ki-Gunj* and Gurmukhi *Ghadr* (P. 190 C), and in the other an Urdu edition of the ***Ghadr*** **(P.** 190

D), were found. Mr. Petrie (P.W. 348) confirms the statement of P.W. 175 (Mr. Clements).

The names of the consignor and the consignee are not disclosed in the present trial, for obvious reasons.

We have heard the approvers Amar Singh and Mula Singh say that during the voyage back to India, Ram Rakha and Amar Singh, Jat, of Kotla, got off at Yokohama to purchase arms. We have also heard that arms were expected from abroad. "K.R.M." or "K. Ram" can mean no other than Kanshi Ram who was convicted in the Ferozeshahr murder case. This is corroborated by Nawab Beg (P.W. 349), Jailor, who says that he heard Kanshi Ram in jail before his execution telling his father that he expected some things from America, and that he should have a care for the things. As noted before, the latest *Ghadr* in the packages is dated 14th July 1914. Kanshi Ram arrived by the *s.s. Lama* on the 14th November 1914, in company with Ram Rakha (65), absconder and one Amar Singh, Jat, of Kotla (P.W. 354,MrSlattery).

There is no moral doubt in our minds that Amar Singh, Jat, of Kotla, and Ram Rakha; who, as the approvers say disembarked at Nagasaki, were commissioned to purchase arms; the "important work" as it was called at the time.

If this is not corroborative of the approvers' statement with a vengeance what else could be?

(vii) Exhibit P. 205 (Tilak's release)

This is a sheet of paper in Gurmukhi (probably a rendering of another one in Urdu). In the centre is a lithographed portrait of Tilak, found in a pocket of a coat in the trunk of the accused 73, Sher Singh. Of course he denies having ever had it, but he is unable to give any explanation of how it found its way into his coat pocket. This man was, on arrival, interned in the Montgomery Jail; and was thence taken to Campbellpur Jail. He says that his baggage was taken over by officials at Calcutta; and that in jail his keys were taken from him by the Darogha, that when a search was made, nothing incriminating was found: and that some days later the jail officials gave him a list to sign, which he did. Some eight days later to his surprise Sukha Singh told him that the leaflet had been found in his *Granth*.

____ Ali (P.W. 195) says that the accused did not deny that it was his. Accused is a man who came from Canada, and reached India in *Tosha Maru*.

This exhibit is, in fact, a special number of The *Hindustan Ghadr* announcing the release of Tilak on the 17th June. Tilak is praised for his exertions in the cause of "national service!'- He is said to have discomfited Gokhale and Feroz Shah Mehta at Surat and to have come out from jail as brave as before. Other leaders are called jackals. The crux of the paper is in the words. "He has grown old and weak. It is our duty to prepare all Indians for a big mutiny, to start secret societies and presses in India, to preach mutiny to avenge Tilak and other lovers of the country, and drive the British out of India and establish free Government there."

After the following, it is idle to urge there was no call to Indians to roll up and return to India for mutiny:–

> "O Indian brothers come, let us go to our country. We have earned a good deal of money. Let us exchange blows with the tyrannic Europeans and make cups of their skulls to drink water from, before we expire."

Such is the nature of the document with which Sher Singh (73) came to India. If approvers say he lectured on board during his voyage back, or at some meetings in America, they are not far from right when we consider the mandate of the *Ghadr* party he had in this possession when he started for India.

(viii) Exhibit P. 227

Ghazanfar Hussain, P.W. 336, while searching the house of Inder Singh, goldsmith of Patiala, found this exhibit which is a notebook said to belong to Kartar Singh, goldsmith. It is in cipher; but the entry we are concerned with is in ordinary Gurmukhi words *Unis ki Tiari* = Readiness for the 19th. We shall see that the date of a general rising was originally fixed for the 21st, but was accelerated to the 19th. Inder Singh, goldsmith, is the man who, in conjunction with Sunder Singh, goldsmith, melted the ornaments obtained in Jhaner and Rabbon dacoities (Ichhra Singh, approver, R W. 198). This corroborates the statements of approvers, who say the date was expedited. Indeed even Kartar Singh, 39, admitted in his statement that Kirpal Singh, spy was humbugged by him, when he was told that the date was changed. That the date of rising was changed admits of no doubt. *Unis Ki Tiari* cannot have any other meaning but the 19th as the date of rising.

(ix) Exhibit P. 260

This is a poem in Punjabi composed after the fashion of what is popularly called a *Bara Maha*. It was found in Nand Singh's (53) house on the 3rd March (P.W. 287, Mit Singh). It is the most venomous effusion conceivable. Verses for each month and with different refrains; the burdens of the songs being the slaughter of Europeans, men and women, the burning of churches and the expulsion of the British from the country.

White men are spoken of in the most malignant and abusive language as burners of temples, destroyers of mosques and Gurdwaras. Exhortation to revolt is couched in the most inflammatory terms. Ajit Singh and others are spoken of as martyrs. Japan and China are mentioned as instances of how Asiatic powers have reformed themselves. Services of Sikhs in wars under the Imperial Standard in Persia, Tibet and Hong-Kong are mentioned, and it is bitterly complained that they are now treated like coolies.

In short a worse composition appealing to the lowest passions of humanity cannot be imagined.

(x) Exhibit P. 273

This was a note-book found on the roof of Amir Chand, victim of the Mansuran dacoity (P.W. 300, Hyder Ali, Sub-Inspector). Curiously enough in this memo-book the very first entry is a date 15th *Magh* in pencil in *Deva Nagri* which is exactly the date of the Mansuran dacoity — 27th January 1915. There is no other possible explanation of why this date is noted in the memorandum except that the dacoits must have fixed the date beforehand.

Amidst a good many jottings which only the writer can make out, the names of Lal Singh, Surain Singh, Balwant Singh and Bir Singh are noted, "District Amritsar" is noted after Sathiala, a village in that district. Balwant of Sathiala and Bir Singh, we may remark, were in the gang which committed the Mansuran dacoity according to the evidence.

(xi) Exhibit P. 274

This is a slip in Gurmukhi on which the names of the Ferozeshahr murderers are noted:–

Jewan Singh,
Bakhashish Singh,

Lal Singh,
Juggat Singh,
Dhian Singh,
Kanshi Ram,
Rahmat Ali.

This paper was found by Prem Singh, *Lambardar* (P.W. 331), who made it over to P.W. 317, who in turn gave it to the police.

Evidently it was dropped by one of the nine dacoits at Rabbon on the 3rd February 1915. It is good proof of the connection of the Rabbon dacoits with the Ferozeshahr murderers; in other words, good corroboration of the conspiracy.

(xii) Exhibit P. 299

This is a paper found on the person of the Anarkali murderer. The words in it are:

Pind Kala Sanghian da.
Harnam Singh Pultan number chhabi (26), Lachman Singh. (PW 364)

P.W. 385 Jamadar Buta Singh, of the 26th Punjab Infantry, tells us that his regiment went to Hong Kong in 1912. Towards the end of 1913 and the beginning of 1914 the General forbade sepoys going to the Gurdwara; where, he was informed, seditious lectures were delivered. There were, however, some sepoys who secretly used to go there. Among them was one Harnam Singh of Kala Sanghian in the Kapurthala State; and his brother's name was Lachhman Singh. At Hong-Kong a number of sepoys applied for discharge. Harnam Singh and seven others were sent to Ferozepore Depot with a view to separate them from the Regiment; the witness returned with them and was deputed on recruiting duty. He returned from recruiting duty in November 1914. In January 1915, about the time when the Lieutenant Governor was about to visit Ferozepore, he noticed a person in *Sadhu's* dress, who appeared to him to be mad. *

The matter was reported to Captain Cargill; the guard on the magazines was doubled; and orders were passed that no returned emigrants were to visit the lines; and the witness was ordered to make inquiries and report. He enquired from Sepoy Bhan Singh and from the Sepoy Harnam Singh mentioned above. The former told him that the *Sadhu* was Kartar Singh (39), who was visiting Sepoy Teja Singh; that others had gone off to a meeting near the range; and that the 8 sepoys returned from Hong- *

Kong were among the audience. Harnam Singh, on being questioned, told the witness that a revolution was contemplated; and how it was to be accomplished. He said he had a pistol; but the ammunition he had did not fit; and, when asked to give it to the witness for repair, he declined to do so. The mater was reported to Captain Cargill. These sepoys were subsequently discharged on the 19th February; and Subedar Mawaz Khan (P.W. 387) was directed to see them off from the railway station.

Captain Cargill (P.W. 386) tells us that on receipt of information of seditious meeting in Teja Singh's hut in the lines, which was confirmed by Buta Singh, Subedar (P.W. 385), he sent the two ringleaders, Harnam Singh and Teja Singh, on short leave; and meanwhile obtained requisite sanction to discharge them, which he did on the 19th February.

Mawaz Khan was deputed to buy tickets and entrain 5 sepoys, Harnam Singh, Teja Singh, Phuman Singh, Labh Singh and Ishar Singh; but on the 20th February Labh Singh, one of the five, was caught in the lines with a heavy stick, the *Chhavi* head of which had been taken by an Afridi.

Mawaz Khan (P.W. 387) says he heard that five had returned; but that only one (Labh Singh) was caught.

We know that Arjan Singh, *alias* Sujjan Singh, the Anarkali murderer, shot the police officer Mahsum Ali on the 20th February, that is to say, one day after the discharge of Harnam Singh, Sepoy, and the same day that the discharged sepoys returned, out of whom only one Labh Singh was caught in the lines at Ferozepore. The address of Harnam Singh, and of his brother noted on the slip we are discussing is indicative of the connection of the Anarkali murderer with the disaffected sepoy Harnam Singh and his brother. The reason for noting the name of the village was obviously with a view to finding them whenever needed for future association in the cause of the revolt.

(xiii) *"The Ghadr"* and *"The Ghadr Hindustan"* P. 300.

We have not only perused the portions of this newspaper marked as Exhibits P. 59. 60, 61, 62; but we have taken a survey of all issues from the first one of 1st November 1913 to that of the 15th September 1914. The day of its issue was changed in December 1913 to Tuesday the *Mangal* of the Hindus, the name of Mars, the proverbial god of war, with a remark that some of the readers know the reason why. Below the name of the paper appear the words *"Ghadr,* enemy of the British

Government — a weekly Urdu and Gurmukhi newspaper." The first page opens with the heading "The exposure of British Government" and 14 counts of calumnies, needless to detail, are recited; the last count being "56 years have elapsed since the last mutiny of 1857, another one is urgently needed."]

Its salient features are —

(1) Perversion of figures and statistics on various subjects, e.g., settlements, railways, canals, exportation of wheat, epidemic, &c, &c, calculated to bring into disrepute and contempt the British Government of India.

(2) Accounts of revolts, revolutions, past and present, in various countries of the world, to serve as models for emulation by Indian subjects.

(3) Translation in Urdu of Savarkars history of the Indian mutiny of 1857 issued in instalments in every issue.

(4) Appreciative notes *re* Tilak, Arbindo Ghosh, Ajit Singh, &c, the so-called "martyrs".

(5) Approval of political murders and political dacoities in India.

(6) Sympathy and admiration for Germans.

(7) Incitement to Indian subjects to rebel as promptly as possible; and exhortations to Indians in America to return to India quickly for revolution.

(8) Wholesale condemnation in the foulest language of every paper, every institution and every individual that has or had the misfortune to differ from the views of the *Ghadr* party.

(9) The language employed throughout is either vitriolic, or disgustingly abusive, and looking to the class of people for whose consumption it is meant, perhaps it is designedly so.

(10) Announcements of meetings of the *Ghadr* party, and accounts of proceedings thereof from time to time. In short, its exclusive *raison d'etre* is to bring about a rebellion in India. No stone is left unturned to achieve that object. Its columns are devoted to maligning the British to the best of its power; imputing all the basest motives to the English, even to ascribing plagues and famines to them. They are described as drainers of the wealth of India, desecrators of religious places and bent upon extirpating Indians like aborigines in other countries.

We do not propose for obvious reasons to touch on (1), (2), (3),

(4), and (9). For our purpose it is only necessary to deal with subjects (5), (6) (7) and (8).

In the issue of 29th November, political dacoities in Bengal are approvingly mentioned, and it is no mean satisfaction to the *Ghadr* party to learn that men of respectable families in Bengal take part in such dacoities.

In the issue of 23rd December, the throwing of bombs and dacoities for the purpose of obtaining money for revolution are applauded. We must remember in this connection that both of these articles appeared before any regular meetings inviting the Indians in America for revolution were held. The paper was started on the 1st November, and we have, within two months, approval of what was going on the Bengal.

In the issue of the 26th May 1914, after some meetings of the *Ghadr* party in America had been held, it is mentioned that political dacoities in Bengal were on the increase to the embarrassment of the Bengal Government. This is also an open approval of dacoities in Bengal.

In the issue of the 16th June, it is stated that the accused in the Delhi Conspiracy case were innocent, yet in the same breath it is stated that the book on poisons to kill Europeans found in the possession of one of the Delhi conspirators has caused a consternation, and that Rash Behari Bose, if apprehended, will be found, it is said, to have a large party at his back. In various issues of the paper murder of police officers and other Government officials are prominently reported with a certain amount of satisfaction.

In the issue of the 15th November the following passage occurs:–

> "The Germans have great sympathy with our movement for liberty, because they and ourselves have common enemy (the English). In future, Germany can draw assistance from us, and they can render us great, assistance also."

In the issue of 4th August, under the title of "Bugle of War" Indian subjects are exhorted to assist Germany. It is also sympathetically remarked that Germany, single-handed, will not be able to achieve her object.

In the issue of the 21st July there is a review of the journal by a society called *Ahbab-i-Hind* (Indian friends) published at Zurich, in which appeared an article by a German Professor Dowson under the heading — "Our brothers in the East". This paper is issued in German under the name "Pro India." The subjects treated therein are the Delhi Conspiracy case, the famines during the English period and a translation

in German of Bryan's article "The English Government in India".

The first issue of the journal is dated 1st June, and the issue of the *Ghadr* we are speaking about gave briefly a translation of the leading article "Ourselves", in which it was stated "that it will give accurate news of the world; that the English want to perpetuate their rule in India and elsewhere and for that reason they hold the Suez Canal and Egypt; that all European nations should be kept well informed as to the what is going on in India; and that the publishers of 'Pro India' know all about the revolutionary movement and its authors."

Thus the interest, which Germans take in Eastern affairs, and their sympathy with revolutionary propaganda, are conveyed to the public through the columns of the *Ghadr*.

In the issue of the 18th August, Indians are advised to assist the brave Germans.

In the issue of 1st September much satisfaction appears to have been felt from the tone in which the supposed sinking of British ships and news of supposed German victories are reported.

There is not an issue in which there are not most virulent diatribes against the British Government, both as a race of white men and as rulers of India.

In the issue of the 15th November it is stated in unmistakable terms that the time for petitions is gone, and, that no time should be lost in rebelling. The Rani of Jhansi is held up as typical of a Hindu brave lady whose portrait, it is said, raises the temperature of an Englishman to a fever heat of 107 degrees. This Rani of Jhansi is harped on in more than one issue. In this issue a reference is made to the weakness to which Government is reduced over the Cawnpore Mosque affair. It is stated that the Government is rotten, and will collapse at the very first touch, that the time is very near when the flesh of Europeans will be eaten by vultures; and that many a Cawnpore well of the Mutiny days will come into existence.

In the issue of 29th November the Sikhs are specially incited to cause rebellion.

The issue of the 23rd appears in saffron-the colour of martyrs. In it, rebellion in India for which no time should be lost is unequivocally preached.

In the issue of the 31st December the address of the Lieutenant Governor of the Punjab (styled as "Deputy robber") to Sikhs at Amritsar

is ridiculed.

In the issue of the 6th January an account of the meeting at Sacramento on the 31st December is given fully, which throws a flood of light on what was the trend of sentiment at this meeting. We are told that by means of lantern-slides certain statistics exposing the English Government were exhibited, Pictures of Arabindo and Kishen Kumar were displayed; similarly, mottos like "Mutiny comes", "Go on" were also shown. The gist of Hardial's lecture at the meeting is given to the effect that the British Government is in the last throes, Germany is ready to fight her; that Afghanistan is progressing; that in Bengal the revolutionary party is swelling in volume, rendering Government powerless; that Muhammadans are also in favour of the movement; that the Sikhs are incensed against the Government; that like the proverb that "a jackal when his death draws nigh thinks of going towards the city" the capital is removed from Calcutta to Delhi, where the Mutiny of 1857 is not yet forgotten; and that all lovers of the country should go back to the motherland and raise the standard of revolt.

In the issue of 13th January Indians are urged to go to Kabul; learn the art of making arms; and bring loads of them to be distributed in all districts of the Punjab.

In the issue of the 17th February Indian soldiers are incited to desert, by a comparison of their pay with that of European soldiers.

In the issue of the 24th February some figures of land revenue are given with the object of making the *zamindar* class believe that the British Government is rack-renting.

In the issue of the 10th March the attitude of Muhammadans is given prominence to by a statement that they, too, have agreed at a meeting at Sacremento on the 4th March to join the *Ghadr* party.

In the issue of the 31st March, a long poem of 31 verses in Punjabi is published. Out of this one verse may be reproduced here by way of example —

* *"Chalo chalie desh nun yudh kurne*
Eho akhri bachan far man ho gai."
[Let us go to our country to fight, this is our last compact and the command.]

In the issue of the 7th April, there is a contribution by Hardial, in which he asks all Indians to go back to India, saying that no time should be lost; and that they should count on his life-long co-operation. It may

* be remarked in passing that this arch-conspirator, enjoying perfect immunity from the clutches of the law directed a mutiny from abroad without any danger to himself.

In the issue of the 9th June it is said the police, the armies, and the population of Native States are to be requisitioned for the purpose of the mutiny.

In the issue of the 16th June appears a metrical translation in Urdu of the "Marseillaise," and every soldier of mutiny is enjoined to secure recruits in every village.

In the issue of the 23rd June the soldiers of the mutiny are preached to practise self-denial of every description till the object is gained. Throwing up service by sweepers, cooks and other menial servants of the Europeans is insisted on.

The issue of 1st July is a special number, commemorative of Tilak's release, in which a rebellion, as retaliation for his transportation, is preached.

In the issue of the 14th July a long contribution appears from the pen of Hardial detailing the propaganda of mutiny; and another one from a supposed Muhammadan writer under the heading (omitting an abusive word from it) *"Maro… … … … … farangi ko."*

In the issue of the 21st July appears a long article in vindication of anarchism; the gist being that all kings are enemies of agricultural communities.

In the issue of the 28th July a letter purporting to be by Ajit Singh urging "patriots" to rise is published. In this issue, just a week before the declaration of war between England and Germany, war is anticipated. Indians are told to be ready for revolution, and to be ready to start the moment the war is declared.

In the issue of the 4th August the declaration of war is mentioned in a footnote and long article under the title of "The bugle of war" is issued, to which reference has already been made.

In the issue of 11th August, a cartoon appears showing how the nations of Europe are embroiled in war, and what a golden chance it is for Indians to liberate themselves from the foreign yoke.

In the issue of the 18th August, the Delhi Conspiracy Case is welcomed with satisfaction. It is also stated that the *Ghadr* is receiving an advertisement through that case. Indians are advised to draw their monies from treasuries and banks; and not to receive paper money, but

only metal, so as to create a panic. It is also said that Indian troops will be ordered to the front, as an item of news. It must be mentioned here that within a fortnight or so of this issue, Indian emigrants begin to roll up, and sail in different boats back to India.

In the issue of the 1st September, advice to go back to India for mutiny is repeated. It is also anticipated that Turkey, inspite of admonition by the English, will ally herself with Germany. A Muhammadan patriot writes an article *re* the forthcoming Anglo-Turkish war.

In the issue of the 8th September, that is to say, about the time that some emigrants had started and some were preparing to return, another poem in Punjabi appears; of which the following lines are fully indicative of how Indian emigrants were duped into a belief of German victories and shown why they should go back speedily to their country:–

(1) *"Mulk wich mucha deo ghadr jaldi*
Hun I ok bhi rang wata chale."
[Go back to your country for mutiny;
the people have been transformed.]

(2) *"Ughar gia frangi da paj sara*
German fatah England te pa chale."
[The *Faranghi* has been exposed;
Germany is going to defeat England.]

(3) *"Lea mar France da mulk sara*
Rare Rus wi dand bhana chale."
[Germans have taken the whole of France;
and Russia, too, has been dismantled.]

After the above, it would be sheer lunacy to-talk of constitutional agitation or the starting of a newspaper to air grievances as the aims and objects of the returned emigrants.

* (a) Lala Lajpat Rai is condemned in regard to advice, which he had given in the *Zamana,* in regard to the selection of proper persons as leaders. According to the *Ghadr,* the advice ought to have been that there can be no leaders other than the leaders of the *Ghadr*. In another issue, he is taken to task for abandoning his allegiance to Tilak, and taking Gokhale as his model. It is said of him that the author of Mazzini's life, the deliverer of sensational speeches in Congress, has sunk down to membership of a municipality, and that whenever a critical occasion arises, his behaviour is like that of a cat mewing.

* (b) Gokhale, than whom no Indian commanded greater respect and confidence both among Europeans and Indians; whose services in the cause of India are too well-known for us to descant on, is ruthlessly treated; and is called a coward; and several other opprobrious epithets are applied to him. In another place he is described as "the phonograph of Government."

(c) Even Gandhi is belittled by the remark that the fascination of Gokhale, when he met him in Africa proved too strong for him; and that he has deteriorated from a bold man into a coward like Gokhale.

(d) Lala Munshi Ram of Gurukul comes in for a good share of chastisement for allowing his institution to be visited by the Viceroy; and for his assertion that the Hindu religion is repugnant to the idea of revolt against the Sovereign of the realm.

(e) Rai Ram Saran Das of Lahore, a gentleman of high position, does not escape reproach for inviting His Honour the Lieutenant Governor to his son's wedding. The epithets used with regard to Europeans generally had better be omitted.

(f) A Sikh contributor to Rahim's newspaper called *The Hindustani* who gratefully recognised the sympathy of His Excellency the Viceroy on the emigration, is severely censured for using the word "beloved" with regard to His Excellency.

(g) The Maharaja of Kapurthala is hardest hit for allowing the Viceroy to praise his ancestors for their loyalty to the British Crown. The Maharaja of Patiala is not only not thanked for his munificent gift to a Sikh High School; but he is taken to task for it; it being said that a Sikh school, under the supervision of Europeans, was not a fit subject to bestow the gift on.

(h) Some newspapers, too, come in for a share of censure. The *Loyal Gazatte* is reproached for its tone of loyalty; and the *Rajput Gazette* is smitten hard to because it suggested the suppression of the *Ghadr* party.

(i) Next comes a well-known institution of Hindus, called the Hindu *Sabha* of the Punjab. It is denounced as the concentrated folly of the province; a "body of fools" with the word "Hindu" preceding its name. In another place the members are spoken of as "worms of the gutter". It is reprimanded for asking for

posts and privileges from Government. The whole of its propaganda is condemned. Not only the said Hindu *Sabha* is condemned; but that institution which has carried on pre-eminently almost all political agitation in India, namely, the "Indian National Congress", falls miserably below the standard of the *Ghadr* party. Their deputation to England is pooh-poohed as a band of *beggars*. The "Servants of India Society", founded by Mr. Gokhale, comes in for a good share of vile epithets which are too fully flavoured for reproduction.

(j) Rai Bahadurs are called *Bundars*. "Honourables" are called "Honour *Bails"* the oxen which drag the chariot of the Government.

(k) Government service is strongly denounced as slavery.

We may here consider the *Ghadr-di-Gunj* and *Ghadr Sandesa,* which are excerpts from the poetical effusions of the *Ghadr* reprinted in pamphlet form.

(xiv) *Ghadr Sandesa,* P. 23

The *Ghadr Sandesa* consists of 6 stanzas to begin with; then a song of 9 stanzas and another of 5 stanzas. It is, in substance, a brief replica of the *Ghadr-di-Gunj,* but is adapted to events of later date, e.g.—

(1) "Our enemy is involved in serious trouble in Europe. He is hemmed in by the German lion. The only delay is on your part. Turkey, China. Egypt. Kabul and also Germany are on our side. Gird up your loins. O Indians!"

(2) "Stop now the export of grain to England. Be determined to take to your houses all the wheat lying at railway stations. Break the railway lines, cut telegraph wires, and give yourselves to the demolition of bridges. If any men of the police or army come across you, preach your mission to them. Let us start a rebellion, O lions! This is not an opportunity that should be allowed to slip."

The Cawnpore Mosque and Rakabganj[7] are mentioned to excite religious sensibilities; *zamindars* are told of assessment of *banjar* lands, etc.; title-holders are ridiculed; lambardars' and zaildars' offices are spoken of as hollow honours.

The whole of it is an appeal to arms to extirpate Europeans.

(xv) *Ghadr-di-Gunj,* P. 6

This is a compilation of 22 cantoes with a few songs at the end. It purports to be the First of a series of *Ghadr* pamphlets. The first edition of 1914 consisted of ten thousand copies, Gurmukhi edition. It was issued originally in Gurmukhi; and later, an Urdu edition was announced in the issue of the *Ghadr* dated 23rd June 1914.

The contents of the *Ghadr are* requisitioned for the compilation of this pamphlet. The British, as a nation, all white men as a race and the English Government in particular are all maligned in a spirit born of a depraved nature. Facts are not only distorted but also most maliciously perverted to appeal to the lowest passions of Indian subjects. In the most open, defiant and unmasked manner mutiny is preached. All sense of decency has given place to foulest abuse of the worst possible vulgarity. The entire pamphlet is meant to incite the masses against the British Government. For our present purpose, it is only necessary to refer to some portions in order to show the perversion of facts; and to mention some of the suggestion as to how to bring about a revolution:–

Perversions	*Suggestions*
1. Our children are thirsting for knowledge Colleges are certainly started, but not to impart knowledge.	1. Establish secret Raj societies; make friendship with the Mahrattas and the Bengalis.
2. Respectable persons are wandering about and have no homes.	2. First deal with the traitors to their motherland; and then sit on the chests of your enemies.
3. Look how they have ruined the gardens like Shalimar by giving feasts therein.	3. Commit dacoities at some places.
4. They, faithless enemies, have violated the privacy of our sisters and daughters	4. O Hindus, Sikhs, Muhammadans make haste! Be supporters of one another!
5. They have drained all the money from India, and taken it to England.	5. Drink the blood of the nation of the infidel Christians; quench your thirst and appease yourselves!
6. Bulgaria nominally picked up a quarrel with Turkey while really tyrannical England waged war	6. Empty bragging is of no use. The time has come to wage war!

secretly.

7. They could not come here had they not been brought by the Nabha and Patiala States: they conquered the Punjab with the help of those who were not faithful to their country. Nabha and Patiala did acts which are not done by even a *chandal* i.e. (lowest dregs of society)
8. The *Khalsa* College, which was started, has now been taken possession of by white monkeys. Sunder Singh, Majithia, ruined it.
9. (Talking of mutiny) Several thousand children and women weltered in blood for the sake of their country.
10. The tyrannical Europeans have plundered the country; and so on.

7. On perusal of the *Ghadr,* I learnt that the time has come to setup rebellion.
8. If cow, swine and *Jhatka* are causes of disputes between Indians, the whites are eaters of all three.
9. Go and arouse the armies; why are you sleeping O wielders of the swords, O Musalmans. Pathans, sturdy Dogras and the brave warlike Sikhs! The power of the European is not great. All Indians should make a united attack.
10. When will the Khalsas (Sikhs) unsheath their swords and slaughter the whites in large numbers?
11. Prepare for mutiny quickly! Why have you given up the desire to regain the country?
12. It is our duty to support "the *Ghadr* "; think of it as your child. Besides, it is our duty to set up mutiny.
13. Hardial, a promising youth of Bhart Varsh, has become popular, O Singhs!
14. Stanza xiv is in praise of the *Ghadr*.

14. We should suck the blood of all Europeans!
15. Let us first practise with a knife thoroughly, lest our minds should become frightened on seeing a spear.
16. We should commit dacoity on the Government, and awake the whole of the Punjab. We should fight guerrilla wars at some places, and adopt such measures as are feasible. O brothers! Rise like Bengalis!
17. We should raise the beautiful three-coloured standard.
18. If the English remain here for 25 years more, no trace of us will be left O brothers! Make hasty preparation for rebellion!
19. Being influenced by observances of *Chhut Chhat* (scruples of interdining) and caste divisions, they took a wrong step. Such things created factions.
20. Stanza xxi praises the leaders of Mutiny of 1857.
21. Let us break jails, and release the men who served the
22. nation and remained faithful in their love for the country.
23. Go to your country and set up rebellion at once!
24. It is time! Plunder the treasuries! The doors to martyrdom are open.
25. Be determined to wage war!

26. Come let us go to our country at once, and preach sermons to the armies to the effect that we must kill the whites and cut them to pieces. Be determined to hoist your flag!

Sikhs are excited by reference to the doings of their Gurus! Muhammadans are similarly excited by reference to the Balkan War, for which England is blamed. Political convicts and Hardial are praised to the skies. It is clear from the above that murder, plunder, the looting of treasuries, the breaking open of jails, removal of scruples of interdinning and abolition of caste prejudices, friendship with Mahrattas and Bengalis, are measures in the scheme of the mutiny; even the tricolour is mentioned.

(xvi) Exhibit P. 28 - Declaration of War *(Ailan-i-Jang).*

This is brief and not in metre. It paints India as down-trodden and trampled on by foreigners. It is said that the whole of the produce of the country is exported and drained off. Indian soldiers are sent to the front, and are pushed to the forefront; Europeans being kept in the rear. Lovers of the country like Tilak; Balraj and others are convicted without any fault on their part. Muhammadans are incited by reference to England fighting Turkey; and the change in Egypt by putting in another Sultan is also stated. Past glorious deeds of ancestors of Indians are expatiated on; the "pork-eaters" should be killed. It is said that mutiny has broken out in the whole of the country. Hindus and Muhammadans are exhorted to make common cause and establish a republic in India. A bright future is held out in this world; and, in case of death, a place in paradise. *

(xvii) Some other exhibits of minor importance may also be briefly summarised.

P. 9 A, P. 9 B, and P. 9 C — P. 9 C is a note, dated 16th February 1915, by way of lease executed by Ram Saran Das (64), who passed by the name of Jamna Das. P 9A and P. 9 B are receipts for rent. Amar Singh, approver, and Ram Saran Das rented the house (House No. 1). It was found empty on the 31st January 1915; and remained so till 14th February. On the latter date Amar Singh was there. It was relet on 16th February 1915 for another month (*vide* P.W. 341). Ram Saran Das (64) is the man who stated himself to be "Jamna Das", and wrote the lease.

He is not identified in Court by the witness, who could only say by way of identification that he had prominent, teeth. Amar Singh, approver, proves his identity. His handwriting on P. 9 C could not be compared with his writing in the copy book P 140;.as P.W. 53, who identified the writing of the accused before the police, denied his ability to do so in Court.

P. 10 A and P. 10 B. — P. 10 A is the receipt for rent, dated 16th January 1915 of another house (No. 2) in the name of Charan Das. P. 10 B is a blank stamp intended for drawing up a lease. This man, who passed as "Charan Das", is identified as Jamna Das (33); Amar Singh at the time assumed the name of Karam Chand.

P. 12 — is the counterfoil receipt dated 2nd January 1915 for Rs. 5 advance made by Amar Singh for bomb cases to the owner of the Raghu Foundry given to Amar Singh in the pseudonym of "Fatteh Singh." On suspicion arising the contract was cancelled on the 23rd January 1915.

P. 22 — Is a copy of *Ghadr-ki-Gunj* found on search in house No. 2 on the 22nd February, along with the *Ailan-i-Jang* and several other articles e.g., "M. S. Kohli" forms, pistols, pliers, etc., etc.

P. 30 B — Books of Kirpal Singh (46) found in house No. 1. A copybook out of a bundle has been identified as Kirpal Singh's (P.W. 227).

P. 39 — Is the address of "Rao" given to Mula Singh, approver, and found in Hardit Singh's shop (P.W. 94, P.W. 95). "Vinayat Rao" stated in it is not a myth (P.W. 396 Denham).

Ps 40, 157 and 158 — Relate to the renting of *Mussammat* Atri's house in Baba Atal Chauk (Amritsar). Mula Singh's copy of letter P. 40 (P.W. 102).

P. 51 — A lithograph copy of the *Ghadr Sandesa* in Gurmukhi, which Amar Singh showed to Mula Singh in Lahore Cantonment as a sample of copy struck from the duplicator.

P. 82 — This is a slip of paper, found on Amar Singh with the following couplet in Urdu. Translation = the heart of *Baghi* (rebel) is burning with the fire of enthusiasm. The martyrs' blood will work wonders some day.

P. 97 — A lithograph page of the *Ghadr Sandesa* found in house No. 2 — (P.W. 16).

P. 101 — Fifteen copies of *Ilan-i-Jung* found in search of house No. 2-11 copies in Gurmukhi, 4 copies in Urdu (P.W. 17).

P. 104 — Bundle of *Ilan-i-Jang* Urdu, Gurmukhi, Bhasha, found in house No. 2 (P.W. 17).

P. 108 — *A* slip of paper, with the following names in pencil found in house No. 2 (P.W. 17).

In English:– Udham Singh, accused (77). Dalip Singh, most probably the deceased approver. Sudh Singh (not known). Roor Singh (82).

In Gurmukhi:– Mit Singh (P.W.287), the man whose horse was bought by Arjan Singh, Anarkali murderer, and Ganda Singh (16), through Nand Singh (53).
Uttam Singh (79), absconder. Randhir Singh (probably the *ex*-Tehsildar spoken of by Ichhra Singh as an agitator.)
Rur Singh (82).

This slip is corroborative of the association of the conspirators noted thereon; the mention of Mit Singh may well be taken to corroborate the story of the sale of his horse.

P. 110 A. — Macmillan Atlas leaf with pp. 11 and 12 missing-found in house 2.

P. 110 B. — Map of Delhi found inside P. 110 A.

P. 110 C. — Map of Lahore found inside P. 110 A.

P. 112 — Map of the Punjab, and on the reverse map of India, found on the person of Parma Nand II, the missing leaf pp. 11 and 12 out of P. 110A.

What is noteworthy is that some cantonments in the Punjab map are marked with cross marks while other stations, Burdwan, Delhi, Balasar, Monghyr and Ajmere are underlined. On the margin of this map the address of a man at Amritsar is noted, who Parma Nand II said travelled with him; the former was promised a book for his child by the latter. Parma Nand admits taking off the leaf from an Atlas (which was, as he says, already in house No. 2) with Amar Singh's permission; but he says the marks were present before. It requires no stretch of imagination to hold that the conspirators had an atlas and maps; and that the markings thereon were intended for topographical information to enable them to carry out their designs. They would not have taught Parma Nand that Hindu philosophy which he pretends he came to learn in the Punjab. Had all the details of the conspiracy been unravelled the connection of the Monghyr, Balasar, Burdwan, etc., would possibly have been cleared up.

P. 125 — This a note book of P.W. 33, a chemist at Lahore, in

which there appears an entry of the sale of 5 lbs. of potash, dated 20th January 1915, which the witness obtained from Messrs. Plomer & Co., for Amar Singh, approver; also the price of an acid bought by the witness from Kilo Mull. A further large order for 100 lbs. was also given to the witness. Curiously, 5 lbs. noted in Exhibit P. 98 slips A and B is scored out and 4 lbs. noted instead.

P. 127 — It is an entry in the register of Mul Chand's *serai,* which corroborates Amar Singh story of stopping there under an assumed name, though his father's name is correctly given.

P. 129 — is a copy of the *Ghadr Sandesa* buried near the Islamia College at Peshawar, unearthed when the spot was indicated by Parma Nand II. This is an important discovery showing the journey of that man to the Frontier for circulation of such literature among the troops. He denies the discovery on his information; but says he was taken to be identified at Peshawar. This is, of course, nonsense. Who was to identify him at Peshawar? It is proved beyond doubt that on his pointing out the spot, the paper was discovered; and that he dug it up with his own hands. **(P.W**. 17 and **P.W**. 213).

P. 197 — This is a note book in which Pingley (59) wrote in English in pencil the recipe for the preparation of a certain acid; and also dictated it in Hindustani to Nadir Khan, P.W. 206, about the 22nd or 23rd March at Meerut. Here the 10 bombs and corresponding 10 bottles for carrying liquid to explode them were found in the regimental lines; which matter will be discussed when discussing the charges against Pingley. All that is necessary here is to point out that Pingley's knowledge of how to manufacture one of the explosive ingredients of bombs is established beyond a shadow of a doubt. Pingley finally admitted it to be in his handwriting. This evidence also corroborates the approvers' statements that the tampering with troops was one of the plans in the scheme.

P. 230 — This is a bundle of papers *(Paigham-i-Ghadr)* found in a deserted well of a garden attached to the *Dharamsala* of P.W. 201 on the 23rd February. The name speaks for itself and requires no comment. It is a corroboration of Sucha Singh, approver's statement with regard to how the *"Paigham-i-Ghadr"* was composed and multiplied by duplicators; and how the bundle was thrown into a well (P.W. 227, P.W. 230).

P. 235 — It is a copy of the *Iilan-i-Jung* in Urdu, which P.W. 206 got from Amar Singh, bugler, a cousin of Sucha Singh, who told him that Sucha Singh. "Dalpat Singh" a Mahratta (Pingley) and Kartar Singh

had arrived in the lines with leaflets: some of which were in Gurmukhi, asking him (Amar Singh) to distribute them among the sowars in the cavalry. What could be better proof of attempts to tamper with troops in the manner of which Sucha Singh, approver, has told us?

P. 236 — is a copy of notice under the title of *"Nadar Mauqa"* in the writing of Sucha Singh, P.W. 207.

It is said in it that war has broken out; it is a golden opportunity to liberate Indians; news from front is wrong; ten percent of Indians will not survive this. English are suffering defeat after defeat; mark how Bengal Hindus are flinging away their lives like toys.

P. 237 — Bomb recipe given by Umrao Singh, approver, 361 to Sucha Singh, P.W. 207; and jotted down on a Gurmukhi Booklet (P.W. 216, P.W. 215).

Ps 243, 244 — 17 copies of the *"Ghadr Sandesa",* and twelve copies of *"Yudh Goshna"* in Sanskrit, given by Rash Behari (66) to P.W. 207 Sucha Singh to distribute among the troops.

In addition to these, a copy of the *Ghadr Sandesa* (Gurmukhi) not marked as an Exhibit, brought to Mr. Lamacroft P.W. 309 by an Indian officer was also found on the road between the two depots on the occasion of a party of some 30 men getting into a train at Ludhiana and alighting at Ferozepore Cantonment on the 19th February.

We have now dealt fully with the corroboration of approvers' testimony by documentary evidence.

This testimony is further corroborated by—

B. Discovery of articles.
C. The evidence of one approver supporting that of another.
D. Independent testimony.
E. Statements of accused.

It is unnecessary for us at this stage to detail these corroborations; it suffices for us to say that when we come to deal with the general history of the case and the specific individual cases, we will find that practically every incident deposed to by the approvers is supported by corroborative evidence of one or other of these classes, and in the case of the rest majority of the incidents by evidence of all classes. Wherever any incident or the implication of any particular accused is referred to by only one approver, and is not supported by corroborative evidence of one or more of these classes, we have given full consideration to that fact in weighing the evidence.

* * *

A — We have in this case the following approvers, who were approvers in the first case (L.C.C.):–

(1) Narain Singh, P.W. 315.
(2) Ichhra Singh, P.W. 317 (Perhaps technically not an approver, but practically so).
(3) Udham Singh, P.W. 326.
(4) Jawala Singh, P.W. 327.
(5) Mula Singh, P.W. 329.
(6) Amar Singh (Rajput), P.W. 339.
(7) Sucha Singh, P.W. 355.
(8) Nawab Khan, P.W. 352.
(9) Umrao Singh, P.W. 357.

Some facts necessary in the first case, but unnecessary in this case have not been elicited, while some necessary particulars in the shape of identification, &c, of the present accused, of course absent in the first case, are elicited in the present case. Barring this, their stories are in the main the same. They are not seriously contested by the defence. Efforts have been made in cross-examination chiefly to shake or weaken their testimony in regard to particular accused persons.

B — The following are fresh approvers in the present case:

(1) Sundar Singh, (W.G.), P.W. 13.
(2) Natha Singh, P.W. 14.
(3) Kala Singh, P.W. 16.
(4) Mul Singh, P.W. 17.
(5) Ganda Singh, P.W. 18.
(6) Puran Singh, P.W. 19.
(7) Wasawa Singh, P.W. 20.
(8) Balwant Singh P.W. 22.
(9) Sundar Singh (A.M.), P.W. 26.
(10) Bhagat Singh, P.W. 30,
(11) Bachan Singh, P.W. 31.
(12) Udham Singh of Hans, P.W. 32 (was a witness in L.C.C.)
(13) Arjan Singh, P.W. 33.
(14) Nand Singh. P.W. 100.
(15) Amar Singh, P.W. 102.
(16) Anokh Singh, P.W. 103,
(17) Teja Singh, P.W. 231.

In the group B (4), (5), (6), (7) and (8), were witnesses in the

Court-Martial of the 23rd Cavalry. Except (17) to whom this court tendered a pardon, the magisterial statements of the other 16 approvers were recorded before they were examined before us.

The 16 new approvers may be divided for convenience into four groups:–

A – The Majha group composed of:–

Sunder Singh (W.G.). P.W. 13. Natha Singh Mahant, P.W. 14. Kala Singh, P.W. 16.

B – The Malwa group including Doaba:–

Sundar Singh (A.M.), P.W. 26. Bhagat Singh, P.W. 30. Bachan Singh, P.W. 31. Udham Singh, P.W. 32. Arjan Singh, P.W. 33. Nand Singh, P.W. 100. Amar Singh, P.W. 102 (Doaba). Anokh Singh, P.W. 103.

C – The 23rd Cavalry:–

Mul Singh, P. IV. 17.
Ganda Singh. P.W. 18.
Puran Singh, P.W. 19.
Wasawa Singh, P.W. 20.
Balwant Singh, P.W. 22.

D — The 26th Punjabis:–

Teja Singh.
Anokh Singh.

The history portion of this judgement and the treatment of individual cases will show what these approvers testify to.

The 23rd Cavalry was transferred from Mian Mir, Lahore to Nowgong. On the way. at Harpalpore Station, bombs exploded in a wooden box belonging to Wasawa Singh, which contained Puran Singh Lance-Daffadar 's luggage. Both of them were arrested, and sent to Jutogh. Balwant Singh was also sent for and enquiry commenced. About the 15th May Puran Singh began to disclose some information. Balwant Singh was examined on the 28th May and Wasawa Singh examined on the 31st May. Ganda Singh, a sowar, was examined on the 20th June, an examination which laid bare the object of Jhar Sahib gatherings. The information thus collected showed that three men had visited the lines, afterwards identified to be Lal Singh of Bhure, L.C.C., Nat ha Singh and Sundar Singh (W.G.), approvers. Natha Singh gave a clue to the pocket-book in which were noted the names of men at the Kairon mound, which was recovered soon after. Sunder Singh (W.G.) was arrested on

the 16th July: was examined first by Dhanpat Rai, P.W. 130. on the 18th and again by Harkishen Singh on the 28th July. He made a very long statement. We have examined the earlier of the two statements in the interests of the accused. When Lala Dhanpat Rai recorded the confession of Sunder Singh (W.G.), he did not know of the arrest or the statement of Natha Singh, approver.

Natha Singh approvers statement was recorded by Ijaz Husain, P.W 190. He was brought to Lahore on 13th July on the order of the Superintendent of Police, Lahore. He was identified by Sadhu Singh *on the 14th July. His statement was recorded on the 15th-by the witness. Witness went to Sursingh on the 16th July, when P. 122, P. 18 C, and P. 18 B., were recovered, and P. 1, the pocket-book, was recovered on the 17th July. He was brought back to Lahore, where he said he had other arms, was taken back to Sursingh, where he recovered P. 18 A sword and P. 19 chhavi-head.*

With regard to the value to be attached to the testimony of the approvers, we have nothing to add to what we said in the Lahore Conspiracy Case. Indeed, the defence counsels have not seriously contested our exposition of the law on the subject. The following table will show the dates of the arrests of the new approvers and of their statements:–

Name	*Date of arrest*	*Date of statement*	*Place*
Amar Singh	*5th October 1915*	*12th October 1915*	*Amritsar*
Anokh Singh	*15th September 1915*	*14th October 1915*	*Ambala.*
Arjan Singh	*18 th June 1915*	*13th October 1915*	*Ferozepore.*
Bachan Singh	*5th August 1915*	*16th October 1915*	*Lahore.*
Bhagat Singh	*17th June 1915*	*13th October 1915*	*Ludhiana.*
Kala Singh	*14th September 1915*	*11th October 1915*	*Amritsar.*
Nand Singh	*18th June 1915*	*13th October 1915*	*Ditto.*
Natha Singh	*13th July 1915*	*11th October 1915*	*Ditto.*
Sunder Singh (A.M.)	*12th March 1915*	*14th October 1915*	*Jullundur.*
Sunder Singh (W.G.)	*17th June 1915*	*11th October 1915*	*Lahore.*
Udham Singh	*7th July 1915*	*14th October 1915*	*Ditto.*

The above table leaves no room for doubt that the approvers could

not possibly have been tutored by anybody. The approvers were kept apart from each other; they had no means of communication inter se, nor any opportunities for mutual exchange of their respective versions of facts. Far from the police manufacturing evidence to fit in with their stories, the approvers' statements led to the discovery of much material evidence. We are not oblivious of the fact that, since the disclosures made by the approvers in the first case, many facts have become common property; but in the present case there are fresh disclosures made by the approvers. In the history part of this case we will show how much new light has been thrown by the statements of these new approvers on the Ghadr *movement. In fact, many obscure parts in the working of the conspirators have been now illumined by additional facts testified to by them, which have established an inter-connection between incidents that seemed to stand isolated in the former case.*

The stories told by the new approvers are, in our estimation, true in the main. It is only where identification by any one of them has been imperfect or indefinite, or where we have suspected that an individual accused has been implicated by an approver for personal motives, or where the defence evidence, produced by a particular accused, has rendered an approver s statement doubtful that we have preferred to take the safe course of giving the benefit of doubt to the accused.

In the appraisement of the approvers' testimony, we will follow the well established rule, which we adopted in the former case, namely, that we will not convict any person on the approvers' testimony alone without corroboration, (which is. of course, of varied character in each case), unless the story of an approver has been found to be so inherently probable as to carry conviction without corroboration. (SLCC Judgement p. 11-14.)

(15) Confessions of the Accused

We shall now refer to the confessions of Nand Singh, Inder Singh, *Granthi,* and Sohan Singh, which stand on a somewhat different footing from corroborations. As we have shown, they can be used as confessions against the persons making them, and we are entitled in law to consider them against the other accused.

Confession of Nand Singh

The purport of Nand Singh's confession is as follows:–

He has been abroad 8 years. He had left India with some Mussalman Rajputs of Halwara (village of Nawab Khan), and was in Frazer Company's service along with other Punjabis, until he took up service at Portland. Bhagwan Singh, *Granthi,* came over in 1913 to Vancouver from Hong Kong, and began preaching sedition in the *Gurdwara* in the Frazer Mills (where the accused was then employed), as well as in Vancouver Hall. In the latter place Seth Rahim from Bombay acted as interpreter for English-knowing audiences. The *Granthi,* after a stay of three months, was turned out by the Vancouver Government. Some local Punjabis, including the absconder (79) and the accused, raised money for a suit in Court to get him back. While the case was pending, copies of the *Ghadr* began to be received, to which the accused subscribed. He gives the names of 30 Punjabi Sikhs (not accused in this case) who used to listen to its contents. Some of these men sent copies of the *Ghadr* to their villages in India. He sent one to the *Patwari* of Bheni.

From Vancouver the accused goes to Golden City, a suburb of Frisco. Here too the *Ghadr* and *Ghadr-ki-Gunj* were read; accused names 34 Punjabi Sikhs who heard them read (including 79 absconder Uttam Singh). Some money was collected here (700 dollars) to be sent to India, he cannot say for what purpose. Another subscription was raised to aid *Komagata* passengers[9] in August 1914. He relates *the fracas* between Uttam Singh and Mohar Singh, who protested against using the *Gurdwara* for speeches, leading to Police intervention.

The next thing the accused does is to purchase 4 pistols at Victoria another one being bought by his fellow passenger Hardit Singh at Kobe, Japan. The party of the accused Hardit Singh, Chanchal Singh, Gopal Singh (not accused) and some others (names unknown) took passages to India per *Mosico Maru* (Mexico Maru). The steamer called at Nagasaki, Kobe, Maji, Shanghai and Hong Kong. At the last place search was made. One pistol was taken away from under Chanchal Singh's pillow, which though belonging to Chanchal Singh. Hardit Singh stated was his, and the latter was detained at Hong Kong. The remaining four pistols were concealed by the accused and his companions in a coal bunk; Gopal Singh being directed to keep a watch over the leather bag containing them. They were eventually brought to the *Gurdwara,* where the accused passed the night, and after being in the temporary custody of one Pir Bakhash, these four pistols were handed over to Dr. Mathra Singh (52) at his request, who was living in those days at Hong Kong. The party

then leaves for India *per* steamer *Jardine* (this means some boat of the Jardine Company), halted at Penang for 8 or 9 days, where the rations become exhausted. The British Consul was approached, and a voyage back to India was arranged. Accused relates an episode of a European girl falling overboard. The passengers feared they were being overtaken by the *Emden'"*, and it was suspected that the Europeans who plunged into the sea to pick her up were going to save themselves, leaving the Indian passengers to the mercy of that depredator; but suspicions were soon allayed on this true fact becoming known. The boat reached Calcutta. The Hong Kong passengers were not severely searched, but others were. The accused and his four companions, Hardit Singh, Gharib Singh, Roor Singh and Prem Singh were allowed to go to the city for 24 hours only. The accused parted company with Gharib Singh, Roor Singh and Prem Singh. Hardit Singh and the accused then went to Ishar Singh and Kanshi Ram, to inquire about their luggage, which Gopal Singh was to have brought on ahead, but were told that it had not arrived. The accused started by train to Amritsar to see the *Dewali* there; but got down at Ludhiana. Accused meets Sohan Singh (74), Bakhtawar Singh (not accused) and Jawand Singh (35) at the *Serai*. Kartar Singh 39, whose ubiquity is remarkable, meets them here and is directed by Sohan Singh to go to Amritsar.

On the voyage, revolutionary songs were recited. Some passengers had the *Ghadr-ki-Gunj*. Sohan Singh told the party to go to Amritsar, and put up in a *dera* near the clock tower. The accused admits that the object of the emigrants in returning to India was to go back armed, and raise a rebellion against the British Government. The programme was only known to the committee. (This shows that some sort of committee had already been formed). The Jardine boat carried a lot of returned emigrants.

His wanderings:

He reaches Amritsar. A "Doctor" of Hong Kong (Mathra Singh) meets him at a *Halwai's* shop and tells him that the pistols have not arrived; directly they arrive (he says) he will hand them over to Hardit Singh, who was authorised by the accused to represent him on the committee. He returns to his village, after a short stay at Hardit Singh's village (Jullundur District), and receiving his luggage from Gopal Singh at Goraya Railway Station, he remains in his village for 10 days. He is

visited by Jaggat Singh of Binjal and Arjan Singh, the Anarkali murderer, then a stranger to him who are going to their villages, intending to see Nawab Khan on the way.

Some four days after he goes to Lohatbadi at the invitation of Ichhra Singh and supplies information as to returned emigrants, which the latter wanted. Nearly a week after he is visited by Sundar Singh of Majha, who takes him to Sotala, a village 3½ *kos* off, to see Kartar Singh. There a policeman was making enquiries.

He goes to Lohatbadi again, where Ichhra Singh and Sunder Singh assure him of a number of men being available for mutiny, and say that guns can be bought in Patiala. Next day he meets Nawab Khan at his village, and receives similar assurances. Nawab Khan tells him to be at Ludhiana next day, and bring Kishen Singh ol Dhurkote also, which he does. At Ludhiana, he comes across several returned emigrants, and meets Nawab Khan at the *takiya*. The latter directs him to go to Ferozepore by the morning train next day, but he misses it. He then goes to *Chapar,* thence to Braundi, and thence back to his village. Sudh Singh, who had met him at Ludhiana, had directed him to go to Heeran. He could not go there owing to the injury to his foot by a thorn (a fact very insignificant in itself, but strangely corroborative of Nawab Khan's statement).

About a week after, Hardit Singh (of Doaba) requests him to come to Doaba to meet several people of similar ideas there. He leaves Ludhiana, and starts for Jullundur; breaks journey on the way at Goraya Station, and passes the night at Dallewal (Hardit Singh's village). Hardit Singh takes a revolver and a stick, and with accused goes to Phagwara, where they meet the ubiqituous Kartar Singh, who is busy collecting men. At his instance accused goes to Basant Singh's village, Pancha Nangal. Here he is informed by him of the abortive dacoity at a Rawal's house in which Nawab Khan, Jawand Singh, Gandha Singh (16) and Hari Singh had taken part.

Next day, Hardit Singh, Basant Singh and the accused go to Jawand Singh's village (Nangal) and meets Hari Singh and Jawand Singh and Piyara Singh (60), the latter of whom said he was going to the *Amawas* fair, to the *Majha,* and to ascertain about the doings of the men there. He goes thence to Bir Singh's village (11) at the suggestion of Hari Singh, thence to Piyara Singh's village (60), thence with Piyara Singh to Jawand Singh's village (35) Nangal. Piyara Singh and Hardit Singh go to Pancha Nangal (Basant Singh's village) to bring more men. One Tara Singh of a village near Hoshiarpur is asked to lend his pistol, or to accompany. The parties are to meet at Burowalyan

village. They go to Bir Singh's village (Bahowal), where the accused is told that Bir Singh is at a *dera* between Burowalyan and Bahowal, he repairs to that place and finds Nawab Khan, Kartara, Gandha Singh, Waryam Singh, Bhagwan Singh, Bir Singh and a goldsmith (name unknown), Rulia Singh, Basant Singh, Hardit Singh. The goldsmith leads the party in small bands to a village, where a dacoity is to be committed. Eight more men join, making up altogether sixteen men. (There is some error here, 12 inclusive of accused were already there, so six must have been added). These men are armed with sword-sticks pistols and *lathis*. Nawab Khan has a sword-stick which is at times held by Kartara. It is discovered that there are military officers in the village, and the owner of the house to be dacoited also has arms. The project is given up, and the party breaks up, each band taking different routes. The accused reaches Phagwara and goes on to his village.

Some ten days after Gandha Singh and Arjan Singh pay him a visit to buy, through him, Mit Singh's horse. The animal after purchase is kept with the accused. On the purchasers going away to Lohatbadi, he takes the animal to Raikot, where a meeting of the *Singh Sabha* is to take place. Ichhra Singh is there, he, the accused, took delivery of the animal. Gandha Singh rode the horse and left for Lohatbadi. Accused stays one night at the *Chaubara* of Ichhra Singh at Raikot, attends the *Singh Sabha*, and returns to his village.

Another week passes. He goes with his nephew Harnam Singh to Kaonka village to see his sister. On the way he meets Uttam Singh (79) who informs him of Kishen Singh's arrest, and that he fears his own arrest and the accused returns to his village.

Nearly another week passes. Uttam Singh takes him to Chhauna village. Buta Singh is not there; so they return to Lohatbadi, where the accused meets Ichhra Singh, who informs them of two guns being available, one of them for 150, and asked them to buy it, agreeing to buy the other himself. Uttam Singh-furnishes £10, and gives them to the accused. He gives them to Buta Singh, who promises to secure the gun. The accused returns to his village.

Four more days pass. Uttam Singh and Udham Singh (approver) come to take him to Lohatbadi. Udham Singh goes to Ludhiana, and accused and Uttam Singh go to Lohatbadi, the latter fearing arrest having had run away from his village. Buta Singh tells accused that he could not secure the gun. The accused returns home.

Six days more pass. Udham Singh takes him to Lohatbadi to attend the

Singh Sabha, where he finds Ram Rakha, Arjan Singh, Waryam Singh (Amli) and Hari Singh. Ichhra Singh is asked by Sundar Singh for money to buy guns. He suggests a dacoity at Janair. Eleven men then agree to commit it. The following is the list of participants in the Janair dacoity:–

1. Sunder Singh, Talagarwala,
2. His companion, name not-known. He is Karam Singh, absconder (40).
3. Gandha Singh,
4. Arjan Singh,
5. Waryam Singh,
6. Hari Singh,
7. Sewa Singh,
8. Arjan Singh, II,
9. Rukha,
10. Narain Singh,
11. Accused.

The accused states that he had a pistol supplied by Ichhra Singh; and that others were armed with pistols, swords, *chhavis,* etc. The accused gives a description of this dacoity and says that Narain Singh took the two boys of the house aside to prevent alarm, and that the hammer which Gandha Singh had brought got broken. In the same dacoity another house was looted. When the villagers collected, Gandha Singh fired a pistol. The party took stock of their booty. Sunder Singh's companion had walked off with stolen jewellery robbed from the second victim. Sunder Singh and Gandha Singh follow the former's companion; and the remaining 6, including the accused, return to the *Gurdwara* of Lohatbadi. Ichhra Singh's pistol was returned to him and the accused returned to his village. On the way he gets back £9 out of the £10 given to Buta Singh for the gun which could not be secured.

Another week passes. Uttam Singh and Udham Singh come to him and inform him of Nidhan Singh and Puran Singh's desire to see him at the canal minor. During conversation with them, he learns from Uttam Singh that the latter had committed a dacoity and that out of the spoils, amounting to Rs. 1,400, Rs. 1,000 were given to Nidhan Singh, and the balance distributed among the dacoits. Nidhan Singh and Puran Singh come with Mit Singh as promised. Nidhan Singh has a talk with Uttam Singh, the purport of which is not revealed to the accused. Puran Singh is said to have a pistol, which Uttam Singh and Udham Singh suggest

should be bought, but, on inquiry, Puran Singh says it is with a relation of his, so it is not bought. Ten or fifteen days pass without any incident. Then Arjan Singh and one Balwant Singh of the "golden teeth" come to accused's house, inform him of the arrival of Inder Singh, Harnam Singh and another Arjan Singh (3). Chuhar Singh of Lilan comes up also on a camel, which is later given over to Ichhra Singh. They go away after seeing the fair. Next day, Inder Singh and Harnam Singh came again, and tell the accused that the police have come to Lohatbadi and arrested Ichhra Singh. It is arranged that the gang of the above-mentioned men should form into two parties to commit another dacoity. Sewa Singh, son of Ichhra Singh, points out the spot where bomb material is coneealed underground in a pond. Inder Singh and Uttam Singh dig it out, and hide it under some reeds outside Buta Singh's'village (Chhauna).

The accused then gives a rambling account of a projected dacoity at some village near Dhuri, three or four miles off to one side of Nabha Railway Station. The gang consisted of:–

1. Inder,
2. Arjan,
3. Chuhar,
4. Balwant,
5. Harnam,
6. Accused
7. Sewa Singh, son of Ichhra Singh

The project was, however, given up; Chuhar going to his village and Sewa Singh and the accused back to accused's village Kaila. At night Chuhar and Gandha Singh bring 9 empty *lotas* of brass and tin, and leave them at the accused's house. Gandha Singh takes with him Sewa Singh and Chuhar Singh to fetch bomb material to fill them, which they do the next morning. Sewa Singh and Chuhar leave, and Gandha Singh remains with the accused. He asks accused to buy some chemicals, twenty small phials, and *regmal* (sand-paper), which he obtains from Raikot. On return from Raikot, he is apprised of the search of Kartar Singh's house. The accused keeps the articles brought from Raikot in his wheatfield. The former bomb material is kept by him in Kehru's house, while the *lotas* are kept in his own house and are later also removed to Kehru's house. Gandha Singh comes and crushes a couple of glass bottles into pieces; and with the accused's aid in pounding bomb materials, fills the *lotas* with them and goes away. The accused removes the bombs,

etc., to Buxa Singh's house. Three days after, Chuhar Singh asks for 6 bombs as well as 6 glass phials and the bottle of acid. The accused goes with Chuhar Singh to the spot where Gandha Singh and Arjan Singh are waiting for him. The bomb materials are tested; but found weak in ignition. Then Chuhar Singh goes to his village. Gandha Singh directs Sewa Singh and Arjan Singh to go to Ludhiana to bring a bottle of acid to Doraha under the Gurthali Canal Bridge. They go as directed. The bombs are taken to that place by the accused; and Gandha Singh and Balwant Singh of the "Golden teeth" and Harnam Singh arrive there, also two English-knowing boys. It is resolved to blow up the sepoys guarding the bridge; and rob them of their guns; but the courage of the party fails. The bombs are buried under the canal bank. One of the boys promises to get more men from the Lahore side by the 26th. The accused returns to his village. Accused hearing of Chuhar Singh's arrest conceals the bomb material in Bur Singh's house in a wheat field. A couple of days later Mit Singh comes with a constable and takes him out to the canal bank, where he is arrested by Haider Ali and Fazal-i-Imam, police officers. In making the confession, the accused admits he was never given to understand that he would be pardoned. He says further that Uttam Singh suggested return to India to overthrow the Government; that Nidhan, Uttam Singh and Kartara were leaders; that he did what they told him to do. The return to India was for the deliberate object of causing a disturbance and turning out "the English dacoits"; and to commit dacoities to obtain money in order to get arms for the purpose; and that the *Ghadr* newspaper had created these feelings in his mind.

Inder Singh Granthi's Confession.

Inder Singh made a statement in jail, which was recorded by Ram Ditta Mal, Jailor, on the 15th November. When examined by us he calls part of it "hearsay" (marked blue); part he says he never related to the Jailor (marked red); while he admits a part marked black: but we cannot conceive that the Jailor has concocted the portions denied by accused. We have the evidence of Ram Ditta Mal, P.W. 169, which we entirely believe, that Inder Singh did make the whole of the statement himself, and quite voluntarily. We shall give below those portions under (A), (B), and (C).

(A) Admitted

The part admitted is to the effect that accused left his village some

seven years ago. After giving an account of his career in different places at length, he is allowed to land at Stockton through the good offices of the British Consul; where he works as a priest of a Sikh temple for about one year. He often visits San Francisco and admits that there was a secret society called the *Ghadr* party *(Yugantar Ashram),* of which Hardial was President. Hardial absconded to Switzerland; and his security was confiscated.

(B) Denied

Ram Chand was the Vice-President of Ghadr party.

(1) Kartar Singh wearing a hat,
(2) Shiv Singh wearing a hat (identity with 72) not established,
(3) Basant Rae wearing a hat.
(4) Kartar Singh, II, wearing hair,

were its members, in addition to others whose names accused does not know.

Lectures were delivered frequently at the *Yugantar Ashram.* He attended two of them at Stockton, by Ram Chand, Vice-President, Ram Chundra, student and Kartar Singh. The gist of the lectures was that the war between Germany and England furnished the most favourable opportunity for expelling the English from India by a general massacre of Europeans. He heard a third lecture by Burkatullah to the same effect who asked Hindus, Muhammadans to join to turn the English out of India. He also said that the Germans were ready to assist Indians in expelling the British from India. There was a general impression in America that the German Consul was offering assistance in funds, etc., to Indians, with the object of causing riots and mutiny in India. Four or five men — Jaggat Singh, Bhagat Singh, Nabboo Khan, Dhanpat, Barman Singh, were sent to India by the Society to spread disaffection among Indians. The first three accompanied him from California. At Manila, Jaggat Singh lectured on mutiny in India. No lecture was given at Hong Kong. It was at Hong Kong that "Burman Singh" and Dhanpat joined him.

At Rangoon accused threw away all copies of the *"Ghadr"*, but copied out some pages from it, namely those found in his possession. A man by name *Kishen Singh* got on the ship at Hong Kong. He was consulted by Dhanpat, Burman Singh and other members of the Society. At Rangoon a proposal was made to start a press and issue the *Ghadr* newspaper. Accused was not taken on the staff as he did not know English. The

above-mentioned men, disguised in rags, were allowed at Calcutta to leave. Accused gives marks of identification of the above-named men; and a translation of the paper in cipher. At the end of the identifications, in the "brief notes", it is stated that these men landed in India to start a press and print the *Ghadr* newspaper; that they would work at night and do other business in the day time. When the mind of people in cities and towns, and of the troops were influenced by its writings, there would be riots and mutiny in India. The idea was to loot treasuries, commit dacoities, and plunder rich people for the aforesaid purpose.

(C) Hearsay

Similar lectures used to be delivered in all villages and towns in America where Indian emigrants were working; and money was subscribed by Indians in America for the *Ghadr* party, the members of which were honorary workers getting only free rations.

It is clear from the above that this man by calling part hearsay, denying the most incriminating part which affects him and others, and admitting the unimportant portion means to retract his statement; but, as already observed, we cannot imagine how the Jailor was in a position to invent the facts stated. We have discussed elsewhere the value of a retracted confession; the same remarks will apply to this statement, which we regard as a confession, since the accused copied the *Ghadr* and had cipher paper in his possession, and was asked by the conspirators to work on the staff of the *Ghadr*.

We may note that Burman Singh is stated to be identical with Parma Nand II (*vide* Sukha Singh, P.W. 89), but if Parma Nand II did not go to America at all he says he did not, Burman Singh could not be Parma Nand II. "Jaggat Singh" was afterwards stated by the accused to be Jaggat Ram, accused; and in this he is right from the identification he has given of Jaggat Ram.

Jailor's notes of conversation with Sohan Singh.
Exhibit P. 204 A

This exhibit reproduces the substance of Sohan Singh's statement to the Jailor. He states that the reason of his internment was that his ideas became liberal on account of his residence in America. He came back to India for want of work there and became acquainted with Jawand Singh on board ship. Bhai Bhag Singh *Mahant* of the Gurdwara at Vancouver, arrived

with his wife from Peshawar. He was allowed to land with much difficulty, on offering security in the sum of 5,000 dollars. Subsequently, an order was issued to the effect that his wife could not be allowed to remain in the country. The matter was reported to a Sikh Conference in the Punjab; and a representation was sent to the British Government; any amount of security was offered, but the Vancouver Government got displeased and was determined to turn Indians out. The present priest there is Balwant Singh.

On the 2nd November 1914 accused stated that he has great sympathy with Balraj and other accused in the Delhi case; that their appeals would not be accepted; that they would be executed; and thereby attain everlasting life. He said further that Soofi Amba Parshad has assumed a Muhammadan name, and was carrying on a newspaper in Egypt, where a war would break out when the first ball fell on London. (Presumably the first bomb from Zepplin.)

He also stated that one-eighth of the Indian population is engaged in national service and mentioned Ajit Singh, who (he said) was in Switzerland, and Hardial and Sheo Karan (possibly Shamji Krishan).

Kabul (said the accused) was also a place of refuge for nationalists. Rash Behari Bose was probably in Kabul. He (the accused) was one of the party who do national service in America. The Jailor was asked to tell Balraj in the Central Jail that one of the members of the American party was in Multan District Jail and that means should be devised to secure his escape; so that, being rescued, he might be safely taken to a place of refuge.

Accused further said that he had known beforehand of the bomb thrown at Delhi. He spoke of Jawala Singh, Mula Singh and Kesar Singh (who resigned service in the army as a *Jamadar)* workers in the national cause in America. They were sent to India to preach, lest Germans should take the place of the English and keep Indians in the condition they were now in. Accused said he feared that they too have been arrested.

He said that some of the members of his party were working in the Turkish Parliament, and that he hoped they would succeed.

Exhibit P. 204 B.

On 12th November we find him asking the Jailor to suggest some five or six men, regardless of religion, for national service; but not of *Dina Nath's* type; and assuring the Jailor that after he starts serving the country, a member of the party will instruct him to use invisible ink for

correspondence with fellow members.

On the 14th, the Jailor wanted to know from him how to distinguish a member of the party from other persons in order to communicate his thoughts; and accused promised soon to tell him.

On the 15th November, the Jailor intimated to him his willingness to leave Government Service. Accused advised him that he could do better whilst in service. He advised the Jailor to send boys to America and Germany to learn how to make arms; to understand machinery, and to be able to make dynamite. He also added that members of the National Party were learning in Germany how to make aeroplanes. The Jailor expressed his desire to learn and was told to wait till he (this accused) was released; when he would be able to make requisite arrangements.

Accused then talked about war; and expressed his view that an alliance between Turkey and Germany would cause trouble to the Hindus; because in case Germany should succeed, of which he was sure, Turkey would intercede for Muhammadans. When reminded of his idea of Hindus and Muhammadans messing together, and making common cause, accused said Muhammadans were apt to be selfish; but that self-government must be obtained at all costs and that Republican Government should be striven for afterwards.

Sohan Singh denies engaging in conversation with the Jailor. Unless we could believe that the contents of the documents were the product of the Jailor's imagination, which we are not prepared to do, the evidence of the Jailor must be accepted. The contents speak for themselves.

The Jailor could not have evolved from his inner consciousness the names of Kesar Singh, *ex* Jamadar, Balwant Singh, Bhagwan Singh, Sheo Karan. He could not in one breath have advocated a union of Hindus and Muhammadans in a common cause, and at the same time have felt dread of Muhammadans getting the upper hand through the intercession of Turkey, in the event of German victory.

The general trend of the talk is practically the same as is disclosed in the evidence regarding the aims and objects of the conspiracy.

We are now in a position to turn to the general history of the case.

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PART III

The History of the Conspiracy and War

A — THE REVOLUTIONISTS IN AMERICA

(1) The Beginning of the Conspiracy and War

Wherever there is Government there is some dissatisfaction, whether that dissatisfaction be ill founded or not, but it is no part of ours to discuss the psychological reasons for the conspiracy under trial. We have simply to state the facts and trace, as far as the material before us enables us to do, the inception, progress and collapse of the conspiracy and war with which the prisoners at the bar are concerned. *

Sedition in 1907

We know that in 1907 a wave of sedition passed over India including the Punjab: we know too that wave of sedition has kept ebbing and flowing since then, and that some of the leaders of 1907 have been perforce compelled to find refuge in foreign countries.

Origins in the Pacific Coast

It is from the Pacific Coast of America that the present conspiracy derives its origin, and the two main centres were Vancouver and San Francisco – Vancouver to start with, till its importance was finally eclipsed by San Francisco.

Vancouver

The prosecution has not considered it necessary to place before us much evidence in regard to Vancouver, but we know from the confession of Nand Singh (p. 407) that one Bhagwan Singh, a noted seditionist, arrived there at the end of 1912 or beginning of 1913 and commenced a series of lectures against the British Government in India. He also started lecturing in the Vancouver Hall, remaining there for three months, filling, as Nand Singh says, "his audience with revolutionary ideas."

Bhagwan Singh was eventually deported, but not before the seeds of mischief had been sown among the Indians in Vancouver.

We know also from Nawab Khan (p. 122) that Vancouver had become a place where so-called politics were eagerly discussed in 1911-12.

Hardial in San Francisco

About the same time one Hardial arrived in San Francisco.

This person is a well-known seditionist, a man of moderate position in life, who was awarded a scholarship by the Punjab Government in Oxford, which after enjoying until practically its close he made a show of resigning. * quite true but not on record

He appears while in England to have become imbued with an extraordinarily passionate and unreasoning race-hatred and to have developed into a monomaniac; dangerous because he appears to have possessed a certain power of speech and because he thereafter devoted himself to inoculating others with the same views of intense race-hatred. * quite true

He has apparently created an impression that he is a man of intelligence, but our mature opinion is that though he possesses cleverness of a kind, he is either a person of unbalanced mind devoid of intelligence, or an unscrupulous scoundrel, who has no thought for the tools he employs in his campaign of race-hatred. * quite true

No man of intelligence could possibly have conceived that there was any chance of success for the sordid conspiracy we have now to deal with, and we can only conceive that if he is to be credited with any intelligence at all he had not the slightest compunction in sending his dupes to certain destruction, provided only that in doing so he could cause to the Government in India some temporary annoyance and anxiety. *

He is equally a man devoid, in our opinion, of any trace of moral or physical courage, for while inducing his dupes to go to a certain fate he has carefully kept himself and his leading lieutenants out of the reach of danger.

This individual appears to have first appeared in San Francisco towards the end of 1912 or beginning of 1913, and to have lectured ii that city on atheism. He was attended at this lecture by Parma Nand (56) and one Thakur Das, and explained to Nawab Khan (p. 122) that his object in preaching atheism was in some obscure way to create a breach among Christians.

The result of his arrival in San Francisco was to imbue his hearers with political ideas, and among his earliest converts were Nawab Khan, Kesar Singh (43), Balwant Singh (6) and Kartar Singh (39).

The flame of sedition began to spread slowly over California and Oregon in which States there were a number of Indian emigrants.

The Hindustani Association in Oregon

The first fruits were the establishment in Astoria (Oregon) of a Hindustani Association towards the end of 1912 or beginning of 1913. At a meeting which was addressed by one Munshi Ram, one Karim Bakhsh, Nawab Khan, Kesar Singh (43), Balwant Singh (6) and Kartar Singh (39), Kesar Singh was elected President and Balwant Singh Secretary and the avowed objects were—

(a) receipt of vernacular papers from India;
(b) importation of youths from India to America for education with a view to their devoting their lives to "national" work in India;
(c) weekly meetings to discuss politics;

the result of which in the words of Nawab Khan was that "members began to feel for their country".

Nawab Khan also tells us (p. 142) that the "Hindustani Association" had much the same ideas as the subsequent Hindi Association with which we will presently deal. He states (p. 147) that it aimed at the unity of Indians of all creeds, education and opposition to the British Government.

It was not only at Astoria that a society of this sort was formed, for Amar Singh tells us (p. 61) that there was an Indian Association in Portland (Oregon) founded by one Kumar, which, however, speedily dissolved.

Hardial's tour in May 1913

It is clear, therefore, that at the beginning of 1913 there was a certain amount of inflammatory material about in the Pacific Coast States.

It was this material which Hardial in May 1913 proceeded to start to fan into a blaze.

(a) St. John — In St. John (Oregon) there were a number of Indian residents including Kashi Ram (Ferozeshahr murderer), Ram Rakha (65), Thakur Das, a famous seditionist, Amar Singh and others.

Hearing of Hardial they invited him to St. John in May 1913. This

was the beginning of Hardial's peregrinations in the State of Oregon. He came according to Amar Singh (p. 61) to St. John accompanied by Parma Nand (56). The latter parted company with Hardial there and Hardial stayed a week in St. John lecturing and proposing to start a revolutionary paper called the *Ghadr*.

(b) Bridal Veil — From here he went to Bridal Veil (Oregon) where he addressed a meeting which was attended by Shiv Singh (72), Harnam Singh (21) and others not accused before us.

Here he lectured in a similar strain and raised some 700 or 800 dollars for his projected newspaper.

(d) St. John — He returned to St. John next day and Indians from Linton and Portland, neighboring towns, were called to attend a meeting. This meeting was attended by Sohan Singh (74), Udham Singh (77), Ram Rakha (65), Kashi Ram (Ferozeshahr murderer), Thakur Das, Amar Singh and several others. The subject of the addresses was the same, subscriptions were collected, the printing of a newspaper at San Francisco was decided upon and committees to collect funds were started in St. John, Linton and Bridal Veil. In St. John the executive officers were Kashi Ram, Thakur Das and Amar Singh.

d) Astoria — Amar Singh tells us (p. 62) that from St. John Hardial, with Kashi Ram, Thakur Das, Ram Chand and others, went to Astoria (Oregon) where he heard a Management Committee, on which Hardial and Nawab Khan were members, was appointed to run the *Ghadr* newspaper.

Nawab Khan gives us a very full account of this meeting.

He tells us that he first heard from Thakur Das that Hardial and Parma Nand (56) were going to visit Oregon State, and later heard Hardial alone would come. Thereupon the Hindustani Association deputed Karim Bakhsh and Kesar Singh (43) to bring Hardial to Astoria. He came, accompanied by Ram Chand, Thakur Das, Kashi Ram (Ferozeshahr murderer), Sohan Singh (74), Kesar Singh (43) and others. An important meeting was held and addressed by Ram Chand and Hardial.

The gist of Ram Chand's address was that the British Government should be expelled from India and Hardial spoke to the same effect.

He referred to collections in St. John, Woodland, Bridal Veil and Portland; to the despatching of Parma Nand (56) to start work in India, and to a forthcoming meeting at Secramento. A large collection was

made and a committee appointed to raise more funds. On this committee Sohan Singh (74) was President, Karim Bakhsh, Vice-President, Hardial, Secretary, Munshi Ram and Kashi Ram Assistant Secretaries, Kesar Singh (43), Balwant Singh (6) and Nawab Khan members. It was definitely decided to start the *Ghadr* at San Francisco. The society of revolutionists was called the "Hindi Association of the Pacific Coast" and the press the *"Yugantar Ashram."* It was decided further to distribute the *Ghadr* freely in India and elsewhere and the meeting was celebrated by a banquet that evening where seditious literature written by Lala Lajpat Rai and others was distributed. After the banquet Hardial interviewed various Indians including Kesar Singh (43) and Rulia Singh (68), subscriptions were raised to bring Ajit Singh, the seditionist of 1907 to the United States and Hardial lectured again the next day to the effect that Indians were now preparing to expel the British Government from India.

* **Lala Lajpat Rai**

(e) Wina — From Astoria Hardial proceeded to Wina (Oregon) where a similar speech was delivered and subscriptions raised and from Wina he went to St. John.

(f) St. John — This return visit to St. John is also testified to by Amar Singh (p. 62), and both Amar Singh and Nawab Khan (p. 124) state that from St. John Hardial returned to San Francisco.

The Hindi Association of the Pacific Coast — In connection with the committee of the Hindi Association, all concern with which Sohan Singh (74) denies, Mula Singh (p. 89) tells us that he was told he was the President of the Revolutionary Society in the Oregon State, and Hardial was the General Secretary of Indian Revolutionary Societies, and Nand Singh (p. 409) speaks of his intimate association with the *Ghadr*.

Indar Singh (28) in his confession (p. 385) stated there was a secret society in San Francisco of which Hardial was President, Ram Chand Vice President, Kartar Singh (39), Sheo Singh (72) and others were members.

The Ghadr Newspaper — The next step that was taken was to establish the *Ghadr* newspaper. The first issue of this paper is dated 1st November 1913.

Amar Singh tells us (p. 62) that he joined the staff with Ram Chand in December 1913, when Hardial, Gupta, Kartar Singh (39) and Harnam Singh (21) were on it and later Jaggat Ram (31), Pirthi Singh (58), Mahbub Ali and Inayat Khan joined.

A Gurmukhi edition was started in January 1914, and a Gujrati one later. The management of the paper was in Hardial's hands till he was compelled by the United States authorities to leave the States in March 1914, when it was taken over and run till August 1914 by Barkatulla, Bhagwan Singh, who had been expelled from Canada and Amar Singh himself.

Jaggat Singh, accused, tells us the workers on the *Ghadr* were Hardial, Kartar Singh (39), Pirthi Singh (58), Ram Chand, Bhagwan Singh, Barkatulla, he himself, Mahbub Ali, Inayat Khan and Amar Singh.

Kartar Singh (39) admits he was on the staff, as also does Pirthi Singh (58).

Nawab Khan (p. 140) informs us that Kartar Singh told him in December 1914 at Jullundur that he had been associated with the first issue of the *Ghadr* in which also Ram Chand, Jaggat Ram (31) and one Kidar Nath were concerned and how a Gurmukhi Press was obtained from England.

Umrao Singh (p. 333) tells us he heard in America that the *Ghadr* was conducted by Kartar Singh (39), Basant Singh, Ram Chand, Munshi Ram and Hardial and that later Pirthi Singh (58) joined the staff.

We need not here describe the nature of this paper; we have already seen that it was a paper of violent *anti-British* nature, playing on every passion it could possibly excite, preaching murder and mutiny in every sentence and urging all Indians to go to India with the express object of committing murder, causing revolution and expelling the British Government by any and every means, and holding up to admiration and as examples to follow every seditionist and murderer who sprang into temporary notoriety.

Distribution of the Ghadr in America - It was this paper that every means were taken to distribute widely among Indians in America.

Nand Singh in his confession (pp. 408-409) tells us that in Vancouver the paper was received by Hari Singh, *Granthi,* and one Bhag Singh, where it was read out to all Indians there and when he moved to Golden City the paper was also received there and read out to assembled Indians and subscriptions were levied on them to keep it going.

Mula Singh tells us (p. 89) that Sohan Singh (74) showed him the *Ghadr* at Portland in November or December 1913, and that about 100 *Ghadrs* used to be received weekly at the Saw Mills, and it was maintained by voluntary subscription, and was read out to all Indians at weekly meetings.

Sohan Singh (p. 243) tells us that wherever he was in America the *Ghadr* came and he occasionally subscribed to it.

Umrao Singh (p. 333) says he was introduced to it by Pirthi Singh (58), and he afterwards subscribed to it.

Indar Singh in his confession (p. 387) says it was freely distributed in China, Japan and Hong Kong and Jamadar Buta Singh of the 26th Panjabis tells us (p. 350) it came frequently to the men of the regiment in Hong Kong.

Umrao Singh His connection with Amar Singh and Pirthi Singh

Work of the Hindi Association — Not merely was the paper distributed, work was undertaken in various ways by the Hindi Association.

The *Ghadr* itself tells us that in order that the "war" may be a success it is necessary to start newspapers, publish books, send them to India, learn military exercises, and appeal to foreign nations for help, and for this object the Hindi Association of the Pacific Coast had been founded with branches at Portland, Astoria, Saint John, Sacremento, Stockton, Bridal Veil and elsewhere.

It also tells us that similar body at Berkeley organised a big meeting there, that another meeting was held under its auspices in Sacremento in December 1913; that in Stockton in February 1914 a committee was established to open branches in various parts of California and that in March 1914 its President had started on a tour.

Amar Singh (p. 83) tells us the objects of this society were those of general opposition to the British Government and men were to refrain from all communication with their relatives till its aims were achieved.

Jaggat Ram (accused 31) on page 460 says vows were taken in the interests of equality and liberty — those ominous words which are always prostituted to base uses in revolutions — and Nawab Khan tells us plainly the idea of expelling the British Government from India was ever present.

The *Ghadr* constantly preached the formation of these secret societies. "Establish secret societies" it says in one poem. "Let us form a secret society of those who prefer death and make the foundation firm by opening branches everywhere" it says elsewhere, and again "Start secret societies and think of the previous mutiny", and yet again it says that in America it is easy to form secret societies.

Personal contact with Indians was also resorted to by some of the leaders. Mula Singh tells us (p. 89) that Sohan Singh (74) stayed with him 5 or 6 days and he learnt all about the *Ghadr* from him, and that a large number of Indians had imbibed ideas of revolution.

The holding of seditious meetings

The holding of meetings side by side with the propaganda of the *Ghadr* was decided on.

These meetings are continuous from December 1913 to August 1914. The accounts of some of them we derive from the *Ghadr,* the accounts of others from witnesses present.

(a) Sacremento dated 31st December 1913 — The first we have any record of is one held at Sacremento on the 31st December 1913.

Nawab Khan tells us (p. 124) that in December 1913, he heard that Hardial was in the habit of lecturing frequently in Sacremento, and that large crowds of Indians attended.

The issue of the *Ghadr* of the 23rd December announces a meeting at Sacremento on the 31st which will be addressed by Hardial and "patriotism" preached. The issue of the 6th January 1914 gives a full account of it.

It was called under the auspices of the Hindi Association; poems were read, violent seditious speeches delivered, the point of which was emphasised by lantern slides. Portraits of famous seditionists and murderers were displayed on the screen and revolutionary mottos likewise exhibited, and finally Hardial told them Germany was preparing to go to war with England, and that it was time to get ready to go to India for the coming revolution. It is significant that so early as December 1913. Hardial was aware of the contemplated designs of Germany, and suggests some connection between his efforts to raise a rebellion and that country

(b) Berkeley dated 1st February 1914 — The next meeting we know of was at Berkeley on the 1st February, an account of which is given in the *Ghadr* of the 10th February. This was addressed by Hardial and an American anarchist of the name of Owen.

(c) Stockton dated 15th February 1914 — It was followed by a meeting at Stockton on the 15th February. The issue of the *Ghadr* dated 27th January announced that "patriotism" would be preached by Hardial and Ram Chand and the nature of the "patriotism" preached is described in the issue of the 17th February. It was a largely attended meeting; songs were sung, seditious speeches delivered, and a flag was unfurled and vows taken to extirpate the British and henceforth all promised to

devote their earnings to the cause of mutiny. The meeting was followed by an evening gathering, where the magic lantern was again brought into play and the usual pictures of murderers and seditionists portrayed, and the supposed iniquities of the British Government were illustrated.

This was followed by another meeting on the next day, where similar vows were taken, and speeches made, and a resolve come to hold meetings all over America to proclaim war.

This meeting was attended by Nawab Khan; he tells us (p. 124) the hall was hired by Jaggat Ram (31), that Jaggat Ram (31), Hardial and Kartar Singh (39) spoke, that Bishen Das manipulated a biscope and that a subscription list was opened to expel the British Government from India.

(d) Sacremento dated 4th March 1914 — The *Ghadr* also informs us in its issue of 10th March that another meeting was held by the President of the Hindi Association at Sacremento on the 4th March, where mutiny was preached to an enthusiastic audience which promised to join.

(e) Sacremento dated 22nd March 1914 — The same issue announces another forthcoming meeting at Sacremento on the 22nd March where Hardial will attend to preach mutiny and the issue of the 17th March repeats the announcement.

(f) San Francisco dated 25th March 1914 — The issue of the 24th February advises meetings every month to discuss how the mutiny can be furthered, and the issue of the 31st March tells us of a large meeting at San Francisco on 25th March at which the impending arrest of Hardial formed the theme for violent speeches by Americans and Indians. Hardial *inter-alia* announced he would go to Germany and prepare there for the coming mutiny.

(g) Astoria, March 1914 — About this time there was a meeting at Astoria. Mula Singh (p. 89) tells us that in March there was a meeting addressed by Ram Chand and Amar Singh, where seditious poems were recited and Ram Chand urged the audience to shake off the British yoke. A little society of their own was formed with Kesar Singh (43) as President with the object of overthrowing the Government, and put into practice the teachings of the *Ghadr*.

The meeting was attended by many including Sohan Singh (74), Kesar Singh (43), Udham Singh (77), Kashi Ram (the Ferozeshahr murderer), Ram Rakha (65), Rulia Singh (68) and Amar Singh and all vowed they would go back to India to start a revolution there. After that

weekly meetings were held in Astoria, where the members were regaled with extracts from the *Ghadr*.

(h) Alesandro dated 26th March 1914 — The *Ghadr* of 21st April announces that a successful meeting was held at Alesandro near Los Angeles on the 26th March for the purpose of preaching mutiny.

(i) Stockton dated 13th April 1914 — The next meeting we hear of is one announced in the issue of 31st March 1914 to be held at Stockton on the 13th April under the auspices of the *Khalsa* Diwan Society, and Mula Singh (p. 90) tells us Sohan Singh (74) was sent to attend it from Astoria.

(j) Fresno, Upland, Oxnard, Los Angeles dated 10th May 1914, Claremont dated May 1914 — We then hear from the *Ghadr* of the 19th May of a series of meetings at Fresno, Upland, Oxnard and Los Angeles, held on 10th May.

It was at Upland that Nawab Khan tells us (p. 124), Sohan Singh (74), the President of the Hindi Association, tried to persuade him about this time to throw in his lot once more with the revolutionists.

Umrao Singh (p. 334) also tells us of weekly meetings at Claremont and that he attended a meeting at Upland in May 1914 where the audience was exhorted to shed its blood in expelling the British from India.

The month of June saw a perfect avalanche of meetings.

(k) Astoria dated 7th June 1914 — The first was at Astoria on the 7th June 1014. The *Ghadr* of the 26th May announces the meeting and the issue of the 16th June gives a full account of the gathering. The usual songs and speeches were delivered, and the audience assembled again on the 8th and 9th June, vowing to fight and die in the coming mutiny.

Mula Singh happened to attend this meeting, though he is mistaken as to the date. He says (p. 90) it was attended by 200 or 250 men. Bhagwan Singh was president and violent speeches were delivered by Bhagwan Singh, Barkat Ulla and Sohan Singh (74), each and every one of them advising the audience it was time to hasten back to India and start a revolution there.

(l) Wina dated 9th June 1914 — The issue of the 16th June also mentions a meeting at Wina on the 9th June, where mutiny was preached with great enthusiasm.

(m) Washington dated 11th June 1914

(n) Aberdeen dated 13th June 1914

(o) Seattle dated 15th June 1914 — The issue of the 14th July tells

us there were meetings at Washington (Oregon) on the 11th June, Aberdeen on the 13th June, and Seattle on the 15th June, where many members of the *Ghadr* party were enrolled.

(p) Portland dated 14th June 1914 — The issue of the 23rd June announces that a great meeting was held at Portland on the 14th June. It was commenced with a procession and a band, and the usual lectures were delivered, the audience vowing to join in the coming mutiny and to expel the British from India.

Mula Singh was present at this meeting, but post-dates it.

The President was Muhammad Din and the main subject was the detention of the *Komagata Maru* and the usual seditious speeches were delivered.

(q) Stockton dated 3rd July 1914 — A very large meeting was held at Stockton on the 3rd July.

It was announced in the *Ghadr* of the 16th June and of the 30th June and a full account is given in the issue of the 14th July. Over 700 Indians were present, and the gathering sat from 9 a.m. till 12.30 that night and Indians from Canada and Mexico attended. Songs were sung and the customary speeches indulged in.

(r) Elton dated 5th July 1914 & (s) Jersey dated 7th July 1914 — The same issue tells as that meetings were and at Elton (Cal.) on the 5th July and Jersey (Cal.) on the 7th July, where vows were taken to go to India to liberate it.

(t) Oxnard dated 26th July 1914 — The next meeting we hear of, is one held at Oxnard on the 26th July.

It was announced in the *Ghadr* of the 14th July and reported in the issue of the 4th August.

At this meeting Nawab Khan was present, Bhagwan Singh and Barkatulla spoke and it was announced that the time for the rebellion had come, the British were to be expelled from India, as war in Europe had commenced. Funds were appealed for and collected and Barkatulla told Nawab Khan Great Britain would be compelled to join in the war, and that rebellions would break out in Egypt, Ireland, South Africa and elsewhere, and it was a splendid opportunity to go to India, seduce the troops and start the rebellion there.

Umrao Singh was also present at this meeting and says Wasawa Singh (81) and Gurdit Singh (18) attended. He also mentions (p. 334) that violent speeches were delivered by Barkatulla, Bhagwan Singh and

others, calling on the audience to go to India, and that subscriptions were collected.

Declaration of War — War was declared by Great Britain on the 4th August. The meetings we have just been considering are meetings where the seeds of sedition were sown, and a promise held out of a mutiny at some future date, a date apparently known to be near at hand by the leaders of the movement. There is ground in this for suspicion that the leaders knew beforehand of Germany's intention to start the great war months before it did break out; otherwise it is difficult to understand these promises of a rising in the near future.

Meetings to Organise return to India — However that may be the meetings that followed were not merely meetings where sedition was preached and Indian's were exhorted to be ready to go to India when the occasion arose-they were meetings in which it was preached the time to go to India had come and the listeners were exhorted to proceed at once,
* and we date the beginning of the war waged by .the accused from this period as distinct from the conspiracy to wage it which had been going since early in May 1913.

Two of these meetings were announced in the *Ghadr* of the 4th August, one at Fresno for the 9th August and one at Sacremento for the
Suba Singh 11th. The war in Europe is mentioned, and the audience were to hear of
PW 185 the proposed mutiny in India.

Special articles on the war were published in the issues of the 28th July and the 4th August and these articles which have already been described should be borne in mind in connection with these notices.

(a) Fresno dated 9th August 1914 — The meeting at Fresno was
* attended by four witnesses who have given evidence before us — Nawab Khan, Sohan Singh (PW 183), and Umrao Singh.

Nawab Khan tells us (p. 125) that the meeting was addressed by Barkatulla, Bhagwan Singh and Ram Chand. The audience was exhorted to leave for India at once; arms would be supplied in India on arrival, and the time had come at last, while England was at war, to expel the British from India. Subscriptions were collected and a list of volunteers prepared, in which 200 or 300 Sikhs promised to go to India at once.

Sohan Singh (p. 243) says Ram Chand, Bhagwan Singh and Barkatulla preached revolution and promised arms would be ready in

India, and among others at the meeting he saw Wasawa Singh (81) and Suba Singh.

Suba Singh (p. 244) says he also saw Wasawa Singh there, and heard Barkatulla, Bhagwan Singh and another speak.

Umrao Singh (p. 334) was also present. Some 500 or 600 men attended, including Rur Singh (68), Nidhan Singh (54), Indar Singh (28), Dhian Singh (the Ferozeshahr murderer), Jawala Singh (36) and Bhan Singh (8). He mentions the same three speakers who opened a list of those ready to return at once to India as war had broken out and he also says subscriptions were collected.

(b) Sacremento dated 11th August 1914 — At the Sacremento meeting Amar Singh and Mula Singh were present.

Amar Singh had, as we will see shortly, been beating up recruits in Oregon and was hastening with them to San Francisco when he stopped at Sacremento for the meeting. 5,000 or 6,000 men were there. Barkatulla, Bhagwan Singh, Ram Chand, and one Mahmud spoke urging the audience to seize the opportunity of the war and go to India. He tries to belittle the proceedings, but he admits they were to go to India at once, and many agreed to do so.

Mula Singh (p. 91) says he too stopped at Sacremento *en route* to San Francisco. He puts the number down at 500. The president was Barkatulla and he himself spoke. The audience was exhorted to go at once for the revolution in India; 5,000 or 6,000 dollars were raised to buy passages and arms, and the audience was told, so that they might catch it, that a ship was shortly sailing from San Francisco.

We will see shortly that there was a sudden rush of Indians to San Francisco, but before we come to the actual preparations to leave we may refer to some other meetings in which exhortations to proceed to India at once for war were delivered.

(c) Stockton — Indar Singh (28) in his confession states he attended two meetings at Stockton, where the audience was told that as war had broken out Indians should go to India at once, and massacre all Europeans. The speakers included Barkatulla and Ram Chand.

He also says similar lectures were delivered in all villages and towns in America where Indians were living.

(d) Portland dated 7th August 1914 — Amar Singh tells us (p. 63) there was a meting at Portland on 7th August 1914, where all present vowed to go to India at once, and cause a rising.

Finally another meeting was announced in the *Ghadr* of the 15th September to take place at Fresno on the 23rd.

We have now traced the various meetings in America, and have seen how they grew from Hardial's pilgrimage of May 1913 till the
* seed he and others then sowed developed into a formidable organisation to cause mutiny resulting in the resolve to go to India when war broke out. We will now proceed to trace the beginning of the migration to India.

(2) Preparing for the Migration

We may note here incidentally that the *Komagata Maru* had set sail from Vancouver in July 1914, and there is no doubt that this episode was seized upon to further inflame the excited feelings fanned by the *Ghadr* newspaper.

At Shanghai: It is, we think, from the evidence before us probable that the intention of Gurdit Singh in taking the *Komagata Maru* to Vancouver with the full knowledge that admission to Canada would be refused was partly to create an episode which would inflame Indians quite as much as any genuine desire to obtain ingress to Canada, for Jawala Singh, who was himself at Shanghai at the time the ship sailed for Vancouver, tells us (p. 113) that Gurdit Singh announced if he was refused admission to Canada he would return to India to turn the British out.

However that may be, there is no doubt the incident led to the organisation of part of the migration.

Jawala Singh tells us (p. 114) that Harnam Singh (23) and Vir Singh came to Shanghai to collect men and money to go back to India for a rebellion. Sedition was preached in the *Gurdwara,* a sketch of the new republic was pictured, the *Ghadr* distributed, and agents in advance despatched to India. We will see later that the Shanghai men were picked up by Nidhan Singh (54).

Vancouver: The same incident was utilised in Vancouver. Nand Singh states in his confession (p. 410-411) that after the *Komagata Maru* had sailed one Mansa Singh sent a letter to Uttam Singh (79) to come to Vancouver. A number of men went there, and having procured arms, arranged to sail from Victoria.

Oregon: Amar Singh at the beginning of August started touring in the north of Oregon collecting recruits in order to proceed to wage war

at once.

He tells us (pp. 62-63) that several Indians determined to return to India to demand their rights and shed their blood in getting them, and hearing several others were going back after the *Komagata Maru* they resolved to do the same.

He went from St. John, where he was temporarily, to Linton, Bridal Veil, Wina and Astoria where Udham Singh (77), Balwant Singh (the * Walla bridge murderer) (6), Ram Rakha (65), Kashi Ram (the Ferozeshahr murderer), one Dalip Singh, Shiv Singh (72), Amar Singh, Kaku Singh, Dhan Singh, Harnam Singh, Mula Singh (approver), Kesar Singh (43) and several others agreed to come. Calling at Portland and Sacremento *en route* they reached San Francisco in the middle of August.

San Francisco: Mula Singh (p. 91) also gives evidence to the effect that after the Sacremento meeting he and others came on to San Francisco to catch the boat they were told was about to sail, meeting Harnam Singh (21) at Stockton.

Nawab Khan (p. 125) came down to San Francisco more or less by accident at the end of August, but he too was roped in to sail for India.

Umrao Singh (pp. 334-35) states that after the Fresno meeting Pirthi Singh (58) came and told him a ship was sailing for India on the 29th. He hastened to arrange his affairs, and got to San Francisco on the 24th August, where he met Amar Singh and a number of persons not accused, but including the famous Bhagwan Singh and Munshi Ram. He saw Mula Singh at Stockton.

The men he saw in and near San Francisco preparing to set out for India were Mula Singh, Harnam Singh (21), Ram Rakha (65), Sher Singh (72), Indar Singh (30), Rur Singh (82), Inder Singh (28), Dhian Singh (Ferozeshahr murderer), Jawala Singh (36), Jaswant Singh (35), Baj Singh (4) Pirthi Singh (58), Kesar Singh (43), Bhan Singh (8), islidhan Singh (54), Rulia Singh (68), Udham Singh (77), Amar Singh (approver), Mangal Singh (51), Jaggat Ram (31), Arjan Singh (the Anarkali murderer), Nawab Khan and several others. Barkatulla and Bhagwan Singh were at the Ashram and most of these accused he met at the Ashram or the press.

We have now, so far as we have been able to do so, seen how bodies of men were collecting at Vancouver, Shanghai and San Francisco to set sail for India. We will shortly trace their various journeys home, but before doing so it is incumbent on us to determine clearly what was *

* Not the accused in the third supplementary case

* the object with which these men collected. It is of importance because a number of men were interned on arrival in India and they had no opportunity of doing anything in this country but if it be shown that revolution and war was their common object and that certain acts were committed in pursuit of that common object, then each and every one leaving America for India with this object is responsible for every such act done.

* * *

We also showed that, when the war in Europe broke out, a number of disaffected people were collected from various settlements, and brought down to San Francisco to sail on the s.s. Korea, *with the express object of waging war against the Government in India and of expelling the British, using murder, dacoity, seduction of troops and other similar measures to achieve their objects.*

The evidence that we had in that case has been repeated before us in this, and on that evidence the conclusions we then arrived at we arrive at now; but we have further evidence in this case, which shows that the widespread organisation of mutiny was wider than we knew of then i. e. during the trial of 1st case.

Not only is it in America that the ramifications of Hardial's propaganda are to be traced; but the effects of his teachings are to be found in Shanghai, Hong Kong, Penang and Bangkok; and, very probably, other places could tell a similar story.

Shanghai

One of the principal places where agitation was fostered was Shanghai, in regard to which we had some indication in the first Conspiracy Case.

In our judgement in that case, in the section relating to preparations for the migration, we referred to the evidence of Jawala Singh as to what was done there; and recorded our opinion as to Gurdit Singh's objects in chartering the Komagata Maru to go to Canada.

The impression then formed is fully warranted by the more complete evidence we now have as to what occurred in Shanghai.

Sunder Singh (W.G.) (p. 72) informs us that there were at the end of December 1913, and thereafter, weekly meetings at the Gurdwara. Ghadr *pamphlets were received and freely distributed by the* Granthis,

who however, ceased doing so when warned by the police authorities.

Collections were, we are told, made by Gujar Singh (18), and 100 dollars remitted to Hardial; who thenceforth sent the paper through a Japanese firm.

Towards the end of February 1914, handbills were received in Shanghai and distributed, announcing that Gurdit Singh had chartered a vessel to take Indians to Canada; asserting that he had obtained permission from the Viceroy to do this, and saying that those who sailed on his ship would obtain ingress to Canada.

The Komagata Maru arrived at Shanghai from Hong Kong on the 7th March with 200 Sikhs on board; and Gurdit Singh and his companions held a meeting in the Gurdwara, where Bhan Singh gave a speech, repeating the assertions contained in the handbills, and calling Indians there to embark. Gurdit Singh addressed them to the same effect. These assertions must have been known to Gurdit Singh and Bhan Singh at the time to be untrue; and the object Gurdit Singh had in view is clearly indicated by his announcement, at that meeting, that, if the Canadian Government refused permission to land, they would return to India and put an end to British rule there.

In addition to preparing the ground for an allegation of breach of faith on the part of the Indian Government, Gurdit Singh proceeded to involve would be emigrants by exacting from them a sum of 20 dollars a head for their voyage; and raised subscriptions, ostensibly to pay the expenses of those who would swear they were unable to find the full passage-money.

The Komagata Maru left Shanghai on the 14th or 15th March 1914; and after its departure a wire was received for more money, a demand which caused a split in the Gurdwara, those supporting the demand being, according to witness, headed by Gujar Singh (18).

On arrival of the vessel in Canada, witness states that Gujar Singh (18) continued to receive letters from Gurdit Singh, expatiating on their alleged grievances; and Karm Chand (40) received similar communications from Sohan Singh (L.C.C.). These letters were read; and one announced that all Indians in America had sworn to return to India to start a mutiny, while others urged the Shanghai leaders to organise a party there for the same purpose. He states that accused -18 was dismissed from the police when found in possession of a telegram from the famous Bhagwan Singh, and that 18 was constantly preaching sedition in Shanghai and urging

men to return to India to revolt. How far we are prepared to accept the evidence against 40. we will discuss in his individual case.

In July, we are told, Sundar Singh (85) and Mathra Singh (an absconder in the L.C.C.) arrived at Shanghai, and urged Policemen and watchmen to give up their employ and return to India; efforts which, according to witness, resulted in several men swearing to return, including accused 4, 88, 99, 18 and witness himself; while accused 37 promised to follow.

Some of these men, we will see later, did actually leave for India; though as they say, not for Ghadr, *a defence we will duly consider in its proper place.*

Evidence is also given by Balwant Singh (p. 139) as to what occurred in Shanghai. This witness in Shanghai became acquainted with Mula Singh (approver) and Nidhan Singh (L.C.C.), who left for America. He remembers Gurdit Singh's emissary arriving at Shanghai, and informing Indians there, of the chartering of the Komagata Maru to proceed to Canada, and Gurdit Singh's lecturing in the Gurdwara. He also remembers the Komagata Maru sailing, and a letter coming from Gurdit Singh in Japan asking for subscriptions, which resulted in a collection being made. He tells us the Komagata Maru, while returning, did not come into dock at Shanghai; but two of the passengers landed and gave lecturers in the Gurdwara, urging Indians in Shanghai to return to India, to incite Indians in the Pacific islands to do the same, and on arrival in India to raise a rebellion and expel the British. The Komagata Maru was followed by Nidhan Singh L.C.C, Dhian Singh (Ferozeshahr murderer), Pala Singh and others, who urged the same policy; and Nidhan Singh took the money subscribed in the Gurdwara. Witness was himself urged personally by Hazara Singh (L.C.C.), Nidhan Singh (L.C.C.), Mula Singh and Hari Singh (22) to throw in his lot with the revolutionaries; and he did so. Witness asserts that Hari Singh (22) was Nidhan Singh s chief lieutenant, and was mainly instrumental in inducing him to consent; and witness accompanied Nidhan Singh's party on the Mashima Maru.

Suba Singh (p. 269), who was a watchman in Shanghai, also says accused 18 became a revolutionist there, collected money, received Ghadrs, *and urged people to return to India for revolt; in consequence of which he was dismissed.*

Hari Singh (p. 305) who was a watchman in Shanghai, deposes that accused 40 accosted him in Shanghai, and asked him to join in expelling the British; and he was told several had returned for that purpose.

He states he heard accused 40 and others, lecturing on Ghadr *in the Gurdwara. Though we are not prepared to accept this evidence against 40 it does show that sedition was actively spoken of in Shanghai.*

Kesar Singh (accused 45), in his Magisterial statement, stated he was in Shanghai, where Gurmukhi Ghadrs *were received; and, when the police tried to suppress the paper there, accused 18 and 22 began agitating, and inducing people to go to India for mutiny. He also referred to the famous Sohan Singh (L.C.C.) arriving from America, and convening a meeting, urging people to go to India for mutiny; whereon accused 18 organised a party to return, including Sunder Singh (W.G.) and accused 90. After their departure accused 22 continued the agitation until the arrival of Nidhan Singh (L.C.C.), Vir Singh and Harnam Singh, the agents of Gurdit Singh of Komagata fame. There another party was got together and sailed on the* Mashima Maru.

Sunder Singh (85), in his confession, dated 17th of September 1915, says that, while he was in Shanghai, he heard talk of going to India to war against the Government, and many undertook to do so. He met Mathra Singh in Hong Kong; and with him returned to Shanghai, where he met 18 and Sunder Singh (W.G.J. He heard these two men urge others to return to India to rise along with the men returning from America. It was the Komagata Maru affair, which was at the time the great grievance; and the Ghadr influenced many. He admits, he went home with some of these men, but says his only object was to get work.

Teja Singh (accused 90) states in his Magisterial statement he was in Shanghai in 1914. Where he knew 18 and Sunder Singh (W.G.). The former urged him and others to return to India to kill the English.

His fare to India, he says, was paid by accused 18, who thought he was a revolutionist; but accused states he had no revolutionary intentions and simply accepted the money as he had no means of getting home otherwise.

There can be no doubt as to agitation in Shanghai; and, as we will see later, men actually left this place to wage war in India, before even the Korea *had left San Francisco. We do not at this point express any opinion as to individuals; all we are concerned to show at present is that there was agitation in Shanghai.*

Hong Kong

We saw in the first conspiracy case how agitation was conducted in Hong Kong; and how troops there were seduced. We have the same evidence in this case; and in addition, other evidence.

Santa Singh (p. 224) states he met accused 53 in Hong Kong, who asked him to join the Ghadr *party, but he refused.*

Jamadar Lal Singh says he knew accused 28 in Hong Kong and he reported that people accused him of holding seditious meetings there.

Sardar Hakim Singh, retired Subedar, knew accused 75 in Hong Kong and saw him in the Gurdwara, there in the summer of 1914. The Gurdwara became a centre for seditious propaganda; many, including accused 75, lecturing there, and the Ghadr *was freely distributed.*

Subedar Mula Singh of 25th Punjabis (p. 312) was in Hong Kong in 1914, and he deposes to the Ghadr *being received there, and to seditious speeches, which forced the authorities to place the Gurdwara under a committee of respectable Indian Officers. Prominent among the agitators were accused 28 and 75, whose names he noted at the time in his note-book. Here again without expressing any opinion as to individuals, we are satisfied that there was active agitation in Hong-Kong.*

Penang

Pursuant of the Ghadr policy to agitate in the islands, Penang was also made a centre for revolutionary propaganda.

We saw in the L.C.C. a certain amount of what was done there; and Arjan Singh (approver) states he became inflamed by Ghadrs *and recollects Sohan Singh (L.C.C.) arriving there; and witness was accosted by one of his companions and asked to return to India for rebellion.*

Bangkok

In this case we have evidence in regard to an entirely new centre of seditious propaganda. This is Bangkok.

Mangal Singh (p. 306), who was Granthi in Bangkok, tells us seditious discussions began there with the arrival of Ghadrs; *and a split among the Indians took place there over the question of subscribing to the paper*

Thereafter, accused 28 and another man arrived; and 28 began delivering seditious lectures, urging Indians to return home to help the American emigrants to fight Government.

According to this witness accused 28 was in Bangkok a month trying to stir up people.

The witness returned (he says, with no ulterior intent), by a boat sailing on 6th February 1915; and we will see what occurred on that boat later.

Labh Singh (p. 306) also testifies to hearing accused 28 giving seditious lectures in Bangkok, and advising Indians there to help in overthrowing the British Government, saying he was going to India to fight for that purpose. He also deposes to his departure for India. (SLCC Judgement p. 20-22.)

(3) The Objects of going to India

We have, now that we have seen men collected for going to India, to ascertain why they were going.

Such of them as admit having returned with ulterior objects urge they were coming either for a constitutional agitation or to start a press and paper of the nature of the *Ghadr,* only toned down to suit the legal requirements of India.

The Ghadr

The *Ghadr* itself we have already seen is a frankly revolutionary paper.

It and its progeny holds up to admiration all sorts and conditions of mutineers, murderers and sedition-mongers and counts among its heroes the Nathu brothers, Gangadhar Tilak, Arabindo Ghose, Ajit Singh, Savarkar, Bhagwan Singh, Hardial, Barkatulla, Krishna Verma, Madame Cama, Ram Chand, Amba Parshad, the Nana Sahib, Mangl Pande, Bans Gopal, Liakat Hussain, Hesrat Mohni, Pindi Das, Nand Gopal, Hoti Lal, Lajpat Rai, Hem Chandar Das, Awad Behari, Amir Chand, Balraj, Khudi Ram Bose, Kanhya Lal Dat and Madan Lal Dhingra, and says that many of our brethren have been hanged. "They performed their duty" it says, "and set an example for us to follow.... A band of men belonging to the above party has arrived in America... from here; they will make an attack on the enemy."

It advocated going to India with the express object of creating a rising in conjunction with the enemies of the Empire, and advocated the murdering of all Europeans and loyal Indian subjects and it advocated the overthrow of the existing Government and the foundation of a republic. Its language throughout was sanguinary and unmistakable and in order to achieve the object it had in view it urged the following among other

*

measures:–

(a) the seduction of Indian troops,
(b) the massacre of all loyal subjects and officials,
(c) the setting up of a revolutionary flag,
(d) the breaking of jails
(e) the looting of treasuries,
(f) the seduction of youths,
(g) the propagation of seditious literature,
(h) union with foreign enemies,
(i) the commission of dacoities,
(j) the procuring of arms,
(k) the manufacture of bombs,
(1) the foundation of secret societies,
(m) the looting of *thanas,*
(n) the destruction of railways and telegraphs, and
(o) the seduction of villagers.

When we come to deal with the particular methods adopted in India to carry out the main design, we will briefly refer to such advocacies, but we are now concerned to show that not only in the *Ghadr,* and in the meetings which took place in America and elsewhere was revolution and war preached, but that it was the express object of the emigrants in sailing to India. We will also show later that each and every one of the methods advocated by the *Ghadr* to effect a revolution was in the minds of the revolutionists when leaving America while on the way to India and after reaching India.

It will perhaps be advisable here to give a few extracts from the *Ghadr,* the *Ghadr-di-Gunj* and the *Ghadr Sandesa* to establish that what we have stated was the preaching of the paper in regard to war is not an interpretation which the paper will not itself bear.

In the poems we find the following among many others:–

(i) "The time to draw the sword has come… the time has come to wage war… the time has come to set up rebellion; let us jump into the battle-field."
(ii) "Make rapid preparations for mutiny so that every trace of this iron rule may be obliterated."
(iii) "Make preparations for a mutiny hastily."
(iv) "Deputations have ended in smoke… take up sword and shield in your hands."

(v) "The first mutiny broke out in 1857, since when 57 years have now elapsed. The next mutiny has to take place in the 57th year… It is our duty… mutiny."

(vi) "Deal with the Europeans in such a way that they might remember it across the seas… Show your bravery in the battlefield … Use your arrows and guns … Prepare hastily for mutiny."

(vii) "We should fight guerrilla wars, and adopt such measures as are feasible."

(viii) "Come enter into the battlefield."

(ix) "Fight for the country … kill the whites."

(x) "All our mistakes will be wiped out when we fight for India."

(xi) "The drum of mutiny is beating… Make hasty preparation for a rebellion."

(xii) "Let us go to our country to wage war. These are the last words."

(xiii) "We are going to wage war against the Europeans."

(xiv) "The time of war is drawing near."

(xv) "Go to your country and set up rebellion at once."

(xvi) "We will form ourselves into armies and fight in the field of battle."

(xvii) "The work can never be accomplished without the sword."

(xviii) "Be determined to expel the tyrants. Drink their blood to your heart's content."

(xix) "Take up the sword… what has been effected by petitions heretofore."

(xx) "Let us start a rebellion… The enemy is entangled in difficulties … He is hemmed in by the German lion … Let us all go together."

The articles in the *Ghadr* are not one whit behind the songs it publishes. A few extracts will suffice:–

(i) "The whole world is expecting you to rise up and extirpate the English"

(ii) "Real war has now been commenced against the enemy."

(iii) "Begin waging war against the British Government… Set up a mutiny at once in India."

(iv) "Rise, rise. Set out for your country. Prepare for a mutiny."

(v) "The English Government has a very infirm footing in India and if you are resolute you can extirpate it."

(vi) "Fifty-seven years have elapsed since the mutiny of 1857, and another mutiny is badly needed. Today we start a war against the English Government. What is our name? *Ghadr,* what is our work? *Ghadr"*

(vii) "The object of this movement is that the people of India should start a mutiny, uproot and destroy the English Government like a worm-eaten tree and establish a national Government."

(viii) "It is our duty to prepare for a big mutiny… and drive the Europeans out of the country." A particularly sanguinary poem was found in P. 260-Nand Singh's pocket-book.

"Kill or die"… it runs… "The Government of these tyrants will not last any longer…. The time of thy departure has come… Let us kill the white… Take the country even at the cost of your lives… Be ready for a rebellion… Kill the wicked and tyrannic European…. It is very easy to kill him. Do not leave any trace of him… Do not leave him till you have taken his life… Extirpate the whole nation… Set fire to all the churches… Kill all Europeans, men and women, show them no mercy… Kill them to a finish … Sacrifice them on the altar of the sword… Spare neither parents nor offspring… You should flay Europeans alive, so that they may remember it for ages to come… Without a rebellion our lives will always be unhappy. Make a rebellion hastily; you have not more than a year at your disposal. Kill the whites and fill the rivers with their corpses. We will go up to England shouting kill, kill."

There is no question either as to what is to be done when all Europeans have been killed and the Government overthrown. Amar Singh knew they were out for "colonial self-government to be obtained by force", and the *Swaraj* of the revolutionists is clearly defined by the *Ghadr*.

"Drive away the infidel and be the independent rulers of India." "Happiness is afforded by Republican Government. Like *(inter alia)*… China… and Southern America;" and Sohan Singh told the jailor in Montgomery "we should always aspire for Republican Government… the fundamental principle of the party was to acquire self-government by any means" and the glorious era of *"Swaraj"* is to be inaugurated by a complete remission of all revenue; presumably the new Government is to be run by means of dacoities, for we know that the dacoits out for "colonial self-government" assured their victims whom they robbed,

killed and mutilated of their tender solicitude for their welfare.

Let us see lastly the *Ilan-i-Jang* — The Declaration of War:–

> "Now is the time to rise and put Europeans to death and free your country of them… I am telling you of a war declared… It has spread all over India… Can you sit idle while the war is going on… You will join in this war… You should unite together, uproot the present Raj, and establish a Republic."

Amar Singh: Amar Singh has to some extent tried to whittle down the extreme revolutionary objects with which the party left America, but even he (pp. 62 *et seq.)* says they left with the object of demanding their rights and shedding their blood in getting them. He tells us also they determined on this course when they heard the *Komagata Maru* had returned to India for that purpose, that at Portland oaths were taken to go to India to demand their rights, and never to go near their homes till their objects were achieved, and if necessary, to raise the army in India in mutiny. We have seen too how he hastily beat up recruits for the purpose in Oregon, and how *en route* to San Francisco he stopped at Portland and Sacremento.

At Sacremento, he says, they were urged to seize the opportunity of the war to demand their rights while the British troops were away at the front, and at Hong Kong Sajjan Singh of Canada advised them to go on and shed their blood as nothing could be got by demands, and they determined to do so. On board ship the passengers were harangued to obtain their rights and to attack Government. He does say that the use of force was first mooted at Hong Kong, but he also says that they intended to use force ere ever they left San Francisco. He knows the *Ghadr* was all for force, and he understood they were out for "Colonial self-government" to be obtained by force if necessary.

Mula Singh: Mula Singh (pp. 89 *et seq.)* tells us he learnt in America from Sohan Singh that there were many Indians prepared to shake off the British supremacy, and that at the Astoria meeting in March 1914, after they had been urged to return to India, he argued that if an opium-sodden people like the Chinese could establish a republic surely Indians could do so. Their object was to follow the lines adopted in China and other countries where revolutions had occurred and to carry out the teachings of the *Ghadr* and overthrow the British Government.

When Hardial was arrested they decided to leave off work, and go back to India for revolt, and the Astoria meeting in June was called to discuss means to adopt.

When the *Komagata Maru* returned they made up their minds to go to India for a revolution: it was a time for deeds and the days of words were passed.

They went to San Francisco and *en route* at Sacremento they were told a ship was ready for them.

At Yokohama and *en route* the talk was always rebellion, and they used to discuss before starting the subject of dacoities, murdering the British and tampering with the army, and at San Francisco they resolved to start a rebellion in India.

Things in fact had come to such a pass owing to the incitements that there was no further occasion for agitation: they were all ready to get their "rights" by force in India. He himself had made up his mind to make all possible sacrifices to raise a rebellion in India, though they had formed no estimate of the strength of the Government they had decided to overthrow.

Jawala Singh: We will see shortly what Jawala Singh says were Gurdit Singh's objects in case the *Komagata Maru* was refused ingress to Canada, but he tells us further (pp. 114 *et seq.) that* in Shanghai Nidhan Singh and Dhian Singh urged that opportunities for rebellion were favourable, war had broken out, and all should go to India to turn the British out. There was never any mention of constitutional agitation. The visit to *Hazur Sahib* at Madras by Nidhan Singh and others was to invoke a blessing prior to assuming the Government of the country. They came, he says, not to commit dacoities, but to turn the British out, and dacoities were only incidental.

Nawab Khan: Nawab Khan is equally clear as to the objects. Hardial had taught them to expel the British, the meetings in America always harped on that subject and they were asked to go to India to seduce the troops, spread anarchy and take up arms.

To his protest that he had no money to sail on the *Korea* he was told "what need have you of money, you are going to lay down your life," and the parting advice of those who saw them off was to raise rebellion and loot the rich.

At Manila the driving out of the British was the theme of speeches and on the *Toshu Maru* the resolutions passed were to attack *thanas,* get arms, loot treasuries and loyal Indians, destroy post offices, lines, bridges, patwarkhanas and jails and get the Indian troops to rise and to murder

every Indian who opposed them. When they got to Penang they wired to the *Amrita Bazar Patrika* to know if the rebellion had broken out.

Umrao Singh: Umrao Singh also tells us (pp. 334 *et seq.)* that they set out for rebellion purely and simply, and at Hong Kong the subject of speeches was to turn the English out by force-it was no time for deputations, it was the sword that would secure everything.

Nand Singh: Nand Singh in his confession (pp. 412-424) tells us what his object was, "The teachings of the *Ghadr* were that we should go back armed to India and there create disturbances and fight against the British. For this purpose we purchased arms and came to India… We returned from America to create disturbances here, to kill Englishmen, and drive away the British Government. We bought and collected arms for this purpose, We prepared bombs for this purpose, we committed dacoities to get money to buy arms and ammunition, we had come to fight… but we did not know how we would benefit our country."

Indar Singh: Indar Singh in his confession (pp. 385 *et seq.)* tells us the teachings in the Ashram and elsewhere were to start a mutiny during the war, and expel the British, and *en route* lectures were delivered to that effect.

We need not labour this point more. It was clearly the avowed object in America before sailing, *en route* to India and in India itself, and we will show later how in every act of the conspirators this and this only was the object in view-mutiny, murder and the overthrow of the British Government.

B — THE RETURN TO INDIA

Advance Agents: Before the departure of the main body of men from America it appears that a certain number had been sent on in advance.

Jowala Singh (p. 114) has told us Gurdit Singh of *Komagata Maru* fame had already sent his emissaries to India.

Inder Singh (28) (p. 386) says that 4 or 5 men, viz., Jaggat Singh, Bhagat Singh, Nubbu Khan, Dhanpat and Barman Singh were sent by the society to spread disaffection in India. An attempt has been made to identify these names (which are admittedly fictitious) with certain of the accused, but we are not fully satisfied as to the identification of all of them, nor is it really material. The point is that the statement does show

men were sent in advance.

* We do know, however, that Kartar Singh (39) left America by the *Nippon Maru,* and arrived in Colombo on the 15th or 16th September (*vide* his own statement, p. 480), that is nearly a month before the main bodies began to arrive.

Sohan Singh told the jailor also that advance agents had been sent to India to preach.

We have seen from the confession of Nand Singh (p. 441) that there was a body of men ready at Victoria.

SS Mexico Maru:

He gives a list of men who sailed with him on the s.s. *Mexico Maru* from Victoria. None of them are before us. The vessel touched at Nagasaki, Kobe, and Shanghai and eventually reached Hong Kong. Here we may leave them for the present as Hong Kong formed a sort of half way house.

He tells us, however, that more ships came from America and Canada, and among others Sohan Singh (74) and Bakhtawar Singh were passengers thereby.

The following accused admit they sailed by her, and we note against each the names of the witnesses who saw them on board:—

SS Korea: The most important vessel to leave San Francisco was the S.S. *Korea,* which left for Hong Kong on the 29th August.

The following accused admit they sailed by her, and we note against each the names of the witnesses who saw them on board:–

Piara Singh (60)	…	Umrao Singh, Amar Singh, Nawab Khan.
Inder Singh (30)	…	Umrao Singh, Amar Singh, Mula Singh Nawab Khan.
Pirthi Singh (58)	…	Amar Singh, Mula Singh, Nawab Khan.
Jagat Ram (31)	…	Ditto.
Kesar Singh (43)	…	Ditto.
Mangal Singh (51)	…	Ditto.
Jawala Singh (36)	…	Amar Singh, Nawab Khan.
Udham Singh (77)	…	Ditto.
Inder Singh (28)	…	Amar Singh, Mula Singh, Nawab Khan.
Nidhan Singh (54)	…	Ditto.

Rulia Singh (68) ... Ditto.
Sher Singh (72) ... Amar Singh, Nawab Khan.
Rur Singh (82) ... Ditto.
Bhan Singh (8) ... Mula Singh, Nawab Khan.

In addition to these men who are before the Court, Amar Singh and Nawab Khan admittedly sailed. Amar Singh and Nawab Khan state that Arjan Singh (the Anarkali murderer) was on board. Amar Singh states Banta Singh (the Walla bridge murderer) was there, and he, Mula Singh and Nawab Khan testify to Ram Rakha (65) sailing.

Amar Singh (p. 63) states there were 70 Indian passengers in all (the others not being before us), and Nawab Khan puts the number at 61.

Before leaving San Francisco the men were divided into gangs under different leaders.

Umrao Singh (p. 335) states that among the leaders were Nidhan Singh (54) and Mula Singh and he, witness, was allotted to the former gang.

Mula Singh (p. 91) says Nidhan Singh (54) and he were leaders, and to him were assigned Kesar Singh (43), Udham Singh (77), Mangal Singh (51) and Inder Singh (30), he being appointed chief leader.

Nawab Khan (p. 125) tells us they were told to act under the instructions of Kesar Singh (43), Jaggat Ram (31) and Jawala Singh (36).

The ship touched at Yokohama, Kobe, Nagasaki and Manila, eventually reaching Hong Kong.

It is admitted that Parma Nand (57) joined the ship at Yokohama, and that Nidhan Singh (54), Inder Singh (30) and Piara Singh (60) left at Nagasaki for Shanghai, the purpose of which we will see later.

It is also proved *(vide* p. 126) that at Yokohama Amar Singh, Jat, and Ram Rakha (65) disembarked and *(vide* p. 63) that Jiwan Singh (Ferozeshahr murderer) and a Hafiz came on board at Manila.

We may here note very briefly a few incidents on board *en route* to Hong Kong.

Amar Singh (p. 63) tells us that owing to knowledge of a search at Hong Kong, Nawab Khan, Rur Singh (82) and Jawala Singh were deputed to search the passengers resulting in some *Ghadrs, Ghadr-di-gunj* and other cypher writings being found on Inder Singh (28). He also says that Jagat Ram (31) and Nawab Khan landed for a short time at Manila and that at Manila a seditious meeting was held on board where seditious poems were recited; that there was a second search just outside Hong

Kong; and that on board there were communal arrangements for feeding irrespective of caste or creed, and continual harangues were delivered.

Nawab Khan tells us (pp. 126 *et seq.)* that they had daily meetings on board and extracts from the *Ghadr-di-gunj* were recited by Parma
* Nand (57) and others; that near Manila Jagat Ram (31) Jawala Singh (36) and Kesar Singh (43) searched the passengers for arms and literature, when Amar Singh and Pirthi Singh (58) handed over certain bundles of literature; and after Manila another search was conducted by Nawab Khan, Jawala Singh (36) and Rur Singh (82) which resulted in seditious literature being found and thrown overboard including cypher writings of Inder Singh (28). He also says that at Kobe he with Kesar Singh (43), Jawala Singh (36) and Piara Singh (60), visited a ship in harbour coming from Canada; and the men on board told them they were on the same errand to India. He states also that at Manila they received seditious visitors, and that Jagat Ram (31) and he landed, addressed a meeting there urging men to come to India as England was involved in war with Germany and got promises from Rahmat Ali Khan (Ferozeshahr murderer), Jiwan Singh (Ferozeshahr murderer) and several others. This incident at Manila is corroborated by Inder Singh's confession. He says (p. 386) that Jaggat Singh, i.e., probably Jaggat Ram (31), delivered a lecture there, exhorting people to cause a mutiny in India.

We may also leave the *Korea* passengers for a while at Hong Kong.

SS Siberia: The S.S. *Siberia* left San Francisco on the 5th September. Harnam Singh (21) was probably on her though he is not quite certain.

Mula Singh, however, we know sailed by her, also Umrao Singh and Dhian Singh, one of the Ferozeshahr murderers, and several others — both Mula Singh and Umrao Singh tell us so.

This vessel called at Honolulu, Yokohama, Nagasaki and thence to Shanghai where her voyage ended.

At Yokohama, the ship was visited by Amar Singh, Jat, and Ram Rakha (65) who, we have already seen, had disembarked at that port and Jaggat Singh (32) was also seen by Umrao Singh there. Both Mula Singh and Umrao Singh refer to these facts. Mula Singh stayed awhile at Nagasaki and came on to Shanghai by another boat.

In Shanghai: At Shanghai these two men met Nidhan Singh (54) who we have seen left the *Korea* at Nagasaki. They also met the Canadian boat which had brought Sohan Singh and others and also the men who had been gathered together by Gurdit Singh's advance agents.

Mula Singh gives us an account of what happened in Shanghai. He says (p. 92) that Nidhan Singh (54) was given Rs. 500 by the *Gurdwara* for national purposes in India, and that arms were obtained there from a German, and he also tells us the bulk of men sailed on the 15th October. He himself stayed behind, but eventually sailed on the 30th October from Shanghai to Hong Kong, where, however, he stayed only a day.

We have already seen what Jawala Singh has to say about the occurrences at Shanghai.

SS Mashima Maru: The ship that sailed from Shanghai to Hong Kong on the 15th October was the *Mashima Maru*. Two of our approvers Umrao Singh and Jawala Singh embarked on her.

Umrao Singh (p. 335) states that Roda Singh (67), Nidhan Singh (54) two Amar Singhs, Jawala Singh, one Hari Singh, Wariam Singh. Balwant Singh, *sowar* (whom we will meet with later), Dhian Singh (Ferozeshahr murderer), and several others sailed, 60 or 70 in number, of whom 30 were revolutionists. He tells us that before sailing Mula Singh provided Nidhan Singh with arms.

Jawala Singh (p. 114) also tells us he was one of Nidhan Singh's party leaving Shanghai and that they eventually reached Hong Kong and he mentions Amli, Dhian Singh (Ferozeshahr murderer), and Chanda Singh (also a Ferozeshahr murderer) as passengers by her.

Sohan Singh (p. 226) also sailed by this boat and identifies Harnam Singh (23), Roda Singh (67) and Nidhan Singh (54) as passengers. Nidhan Singh's party consisted of 70 men and he tells us there were continuous speeches by Nidhan Singh against Government and talks of winning victory. He also tells us the *Mashima Maru* was chartered by Nidhan Singh who paid several of the passengers' fares himself.

At Hong Kong: We have now traced to Hong Kong passengers by the *Korea,* the *Mashima Maru,* the *Siberia* and the *Mexico Maru*.

In addition to these boats the *Canada Maru* with Sher Singh (73) arrived about the same time from Vancouver with 30 or 35 men, nearly all revolutionists; and another boat whose name we do not know came from Manila bringing along Jagat Ram (31), Rahmat Ali and Jiwan Singh (Ferozeshahr murderers).

The gathering of all these returning revolutionists at Hong Kong, where they were detained for some time, naturally resulted in various incidents there. We only propose to touch on these briefly.

Amar Singh (p. 64) tells us there were several seditious meetings at

the *Gurdwara,* attempts were made to tamper with the troops there, the German Consul at Canton was visited to render assistance, and he describes negotiations with the Police authorities allowing all the assembled men — other than those on the *Mashima Maru* who were already booked through to Colombo — to proceed by the *Tosha Maru* on 12th October.

Jawala Singh (p. 115), who was on the *Mashima Maru,* did not
* land but some did, and Bhan Singh (8) came and lectured on the *Mashima Maru*.

Nawab Khan (pp. 127-28) describes violent speeches at the *Gurdwara,* the attempts at seducing troops and the appointment of a central committee of revolutionists consisting of Kesar Singh (43), Jawala Singh (36), Jagat Ram (31), Rur Singh (82), Ram Singh not accused, Sher Singh (73), Nidhan Singh (54), Pirthi Singh (58), Amar Singh approver, Sajjan Singh not accused and himself.

Inter alia they arranged to meet on the 17th November at Ladowal (Ludhiana).

* He also tells us that he, Rur Singh (82), Ram Singh and Sajjan Singh went to the German Consul at Canton to get his help for the coming revolution, and received from him a considerable amount of encouragement, and they were urged by him to start the revolution at once.

He also describes the negotiations with the police authorities, which resulted in the main body sailing by the *Tosha Maru*.

Umrao Singh (p. 336) also refers to speeches at the Hong Kong *Gurdwara* by Kesar Singh (43) and Parma Nand (57) where he met Bakhshish Singh (Ferozeshahr murderer), Sher Singh (73), Nawab Khan and others.

Jai Singh (p. 341) who came on the *Canada Maru* also attended meetings at the *Gurdwara,* where Sajjan Singh, Kesar Singh (43), Sher Singh (73) and Inder Singh (28) spoke and recited poems of a seditious and inflammatory nature and Nand Singh (p. 411) says he visited the *Gurdwara* where arms were collected.

These two ships, the *Tosha Maru* and the *Mashima Maru,* left Hong Kong practically together, the former for Calcutta, the latter for Colombo.

Both reached Singapore and Penang together where they parted company, the *Tosha Maru* calling at Rangoon and reaching Calcutta on 29th October and the *Mashima Maru* Colombo on 25th October.

On the *Tosha Maru* the following men sailed, the accused admitting the fact and the witnesses named proving it:–

Accused		*Witness*
Jagat Ram (31)	...	Amar Singh, Lehna Singh, Kesar Singh, Nawab Khan. Santa Singh, Kala Singh.
Pirthi Singh (58)	...	Amar Singh.
Kesar Singh (43)	...	Amar Singh, Kesar Singh.
Jawala Singh (36)	...	Amar Singh, Kala Singh.
Shiv Singh (72)	...	Amar Singh.
Rulia Singh (68)	...	Amar Singh.
Sher Singh (73)	...	Amar Singh, Lehna Singh, Kesar Singh, Santa Singh, Kala Singh.
Inder Singh (28)	...	Amar Singh, Kala Singh.
Parma Nand (57)	...	Amar Singh, Lehna Singh, Kesar Singh.
Bhan Singh (8)	...	
Mangal Singh (51)	...	
Rur Singh (82)	...	
Udham Singh (77)	...	
Rahmat Ali Khan	...	Amar Singh.
Jiwan Singh	...	
Arjan Singh (Anarkali Murderer)	...	Amar Singh.
Sajjan Singh	...	Amar Singh.
Kaku Singh	...	Amar Singh.
Sundar Singh	...	Amar Singh.

Nawab Khan says that in addition to the revolutionists there were 150 men on board, Amar Singh that in all there were 250 to 300 men, Jai Singh (p. 341) some 250, and Lehna Singh some 200.

We have already seen who the passengers were on the *Mashima Maru* from Shanghai to Hong Kong. The same passengers continued to Colombo and it appears that Gandha Singh (16) joined at Singapore *(vide* p. 336), Harnam Singh (23) taking passage from Hong Kong.

It will be convenient first to describe what took place at Singapore and Penang when the ships were in harbour together and then deal with certain incidents on the ships while on their voyage.

At Singapore: Umrao Singh tells us (p. 336) that in Singapore the

Mashima Maru was visited by Parma Nand (57) — an episode of not much importance in itself beyond showing there was close touch between the two rescues.

Amar Singh says (p. 64) they were allowed to land and Nawab Khan went to see friends of his in the Singapore Guides.

Nawab Khan (p. 131) says he did land and tried to seduce the troops there, while others who came on board were seditiously spoken to by Parma Nand (57) Jawala Singh (36), Jaggat Ram (31) Sher Singh (73) and Rur Singh (82), and Jai Singh corroborates this latter incident in so far as Jawala Singh and Sher Singh are concerned.

At Penang: At Penang, however, the evidence is that much more serious action was taken.

The boat was detained there for some days owing to the *Emden* being in the Bay of Bengal, and here the travellers learnt of the Budge Budge affray.

* Nawab Khan (p. 131) states he met, Nidhan Singh (54) and the leaders from both ships assembled, decided to get arms, seduce the troops, and loot Penang and four parties were formed to approach the troops, to find out where arms could be bought, to enquire what arms there were in the *thanas* and to wire to the *Amrita Bazar Patrika* newspaper to find out if rebellion had started in India.

Favourable reports were brought in except in regard to the wire, to which no reply came.

* They decided then to go to the Governor of Penang and if their ship was not allowed to go, to loot the town the next day. A meeting was held in the *Gurdwara* and he, Kesar Singh (43), Jawala Singh (36). Jagat Ram (31), Rur Singh (82), Sher Singh (73), and Nidhan Singh (54) went to see the Governor. The result of the interview was that arrangements were made for the ships to sail and the *Tosha Maru* left for Rangoon.

Amar Singh (p. 64) also testifies to the deputation to the Governor of Penang, and states that at Penang they "propagated the desirability of unity".

Jawala Singh (p. 115) attended lectures at the *Gurdwara,* addressed by the wife of Jiwan Singh (Ferozeshahr murderer) and others expounding the tyranny of the British Government and urging them to fight, and the men of Penang were appealed to; and Umrao Singh tells us (p. 36) that Nidhan Singh (54) lectured against Government in the *Gurdwara.*

On the *Tosha Maru*: On board the *Tosha Maru* between Hong Kong and Calcutta, we are told by Amar Singh, there were continuous lectures and readings from the *Ghadr-di-gunj* by Nawab Khan, Sajjan Singh, Jaggat Ram (31) and Parma Nand, and Rangoon saw further attempts to "propagate unity."

Nawab Khan (p. 129), as we have seen already, tells us the committee resolved on the most revolutionary methods and further decided to meet at Ladowal on 17th November.

He tells us also the revolutionists were divided into 9 gangs of 16 men each; he was made a gang leader and had *inter alia* under him Rulia Singh (68), Bhan Singh (8), Arjan Singh (the Anarkali murderer) and Rahmat Ali (the Ferozeshahr murderer).

He also refers to the recitation of poems by Parma Nand (57).

Attempts were made in Rangoon to seduce troops and get arms without avail and an attempt to lecture in the *Gurdwara* was nipped in the bud.

Jai Singh (p. 341) also heard speeches of an inflammatory kind by the leaders, Jawala Singh (36), Jagat Ram (31), Kesar Singh (43), Sher Singh (73), Arjan Singh (the Anarkali murderer), Parma Nand (57), and Nawab Khan.

Lehna Singh (p. 346), who joined the boat at Penang, heard speeches relating to revolution and the murder of Europeans and thought all the American emigrants were revolutionists; Kesar Singh, from Singapore, heard Jagat Ram and Parma Nand deliver songs and revolutionary speeches, discussing looting the *thanas* and *sahukars,* and refusing to pay revenue.

Santa Singh, also from Singapore (p. 347), used to listen to discussions by Sher Singh, Jagat Ram and others about going to the Punjab and fighting the English; so too did Kala Singh (p. 347), who also mentions Jawala Singh (36) and Inder Singh (28) as speakers.

On the Mashima Maru: We have not so much information about the *Mashima Maru,* but Jawala Singh (p. 115) says daily lectures took place where the *Ghadr-di-gunj* was recited, and oaths taken on the *Granth* binding the revolutionists together. They all agreed to meet at Amritsar, stop the collection of revenue, burn the houses of all opposed to them, seduce the troops and loot the Government treasuries.

The two ships duly arrived at their respective destinations.

Other ships: This, however, does not exhaust all the ships. Inder

Singh (30) came along by an unknown boat; Piara Singh (60) and Harnam Singh (24) arrived by the *Foo Sang* on the. 16th October and Nand Singh arrived by the *Nam Sang* on the 13th October along with Sohan Singh (74) and Jawand Singh (35). Nand Singh (p. 411) tells us also of the Penang deputation and that on the *Nam Sang* songs and speeches were indulged in, and the *Ghadr-di-gunj* read. The *Salamis* arriving 29th November 1914 brought in Sohan Singh and Wasawa Singh (81), Balwant Singh (5), Pingley (59), and Gurdit Singh (18), who tried his hand at lecturing on board, and the *Ley Sang* which arrived in Calcutta on 14th September carried Jaggat Singh (the Ferozeshahr murderer).

The *Lama* arriving 12th November 1914 brought Ram Rakha (65) and Kashi Ram (the Ferozeshahr murderer); the *Fan Sang* arriving on 30th November 1914 carried Inder Singh (29); the *Katanu Maru* arriving at Colombo on 7th January had as passengers Baj Singh (4), Hazara Singh (25), Bishan Singh (9), Kehr Singh (41), and Wasakha Singh (80), and the *Nam Sang* arriving on 23rd January carried Jawand Singh (34). and Kala Singh (37).

Bishan Singh (10) and Gurmukh Singh (17) were passengers by the *Komagata Maru*.

It must not for a moment be thought that this exhausts all the returned emigrants. There were we understand some thousands who came, but we are only concerned with the accused before us, and their associates of theirs who have already been brought to justice.

* * *

As in the Lahore Conspiracy Case we desire again to emphasize that the lists we have given by no means exhausts all the returned emigrants. It is now in evidence that no less than 6,000 Indians returned to India in the brief space of time that has elapsed since the Komagata Maru affair. No doubt a number of these were men returning in the ordinary course, and as to individuals we will consider in due course their defence, but the fact is clear that there was an organised armed movement to India.

From Siam

Separate from these first movements is a smaller movement from Siam early in 1915, in which accused 28, is alleged to be concerned.

Mangal Singh (p. 306), who sailed, on 6th February 1915, from

Bangkok on the same ship as accused 28, says 28, who feared arrest, was sent home with the wife and children of one Lehna Singh. The ship reached Rangoon and then Calcutta; and he states that at Rangoon it was proposed to enlist a seditionist, named Chet Ram, in the Police, to enable returning emigrants to be passed.

He also says that at Rangoon, and on board ship, 28 harangued the passengers saying crowds of men, well armed, were coming home for revolt, urging them not to pay revenue or sell wheat, reciting the Ghadr and collecting money.

He also says 28 told him at Calcutta men there of the revolutionary party were busy driving taxi-cabs and shooting down the British.

Mehr Singh (p. 307) also sailed on this vessel, and says accused 28 spoke sedition on board, and said he was going to India to incite the people against Government.

How far this movement extended we do not know: it has only recently been ascertained by the Police, and the barest outline of it, in so far as the charge against 28 is concerned, has alone been placed before us. (SLCC Judgement p. 27.)

C — THE REVOLUTIONISTS IN INDIA —
OUTLINE OF PROCEEDINGS IN INDIA

Having seen how the various revolutionists found their way back to India we come to a discussion of their activities in this country.

We propose first to give as concise a historical sketch as possible, reserving the details relating to such matters as dacoities, manufacture of bombs, procuring of arms, seduction of troops etc., to be discussed in separate sections relating thereto. By this method we think we will attain to greater clarity.

Internments on arrival: Of the men who returned by the various ships a number were interned on arrival, and however much they might have wished to participate in revolution they were rendered thereby incapable of causing further trouble.

The men who were so interned were Inder Singh (28), Jawala Singh (36), Kesar Singh (43), Mangal Singh (51), Sher Singh (73), Sohan Singh (74) and Udham Singh (77).

A few others were restricted to their villages, but paid no heed to the restrictive orders.

Return of others to Punjab: The revolutionists who were not interned, some of whom evaded arrest at Calcutta by various ruses, and some of whom were let through, found their way up to the Punjab by various means.

Ex the Tosha Maru Amar Singh, Pirthi Singh (58), Shiv Singh (72), Rulia Singh (60), and Arjan Singh, the Anarkali murderer, were railed to Raewind and came on then to Lahore, and Jaggat Ram (31), who evaded arrest and others came up by devious ways. We will see later that some of these men had arranged to get each other's addresses from Parma Nand (56).

These men wandered about for a few days without doing anything overt.

(1) (2) doubtful * *Ex the Mashima Maru* the passengers split up into two lots, one lot going to the *Hazur Sahib* in Madras and thence to Delhi, the other coming straight on to the Punjab. Before parting these men were told by Nidhan Singh (54), to collect at the shop of one Siri Ram at Moga(p. 115).

The Moga gang: This latter body did assemble at Moga and the gang included Nidhan Singh (54), Roda Singh (67), Jawala Singh, approver, Ganda Singh (16), ✓Chanda Singh, ✓Dhian Singh (Ferozeshahr murderers), one Dalip Singh, Amli and others. The gang was later joined by a number of others including one Hari Singh, ✓Kashi Ram, ✓Lal Singh, ✓Jiwan Singh, ✓Jagat Singh, ✓Dhian Singh, and ✓Rahmat Ali Khan (Ferozeshahr murderers). The first mentioned lot wandered about intending to commit dacoities, etc., till the 23rd November.

They then found themselves at Badowal (Ludhiana).

The Ladowal meeting: In the meantime the various leaders had assembled at Ladowal on the 17th November as arranged at Hong Kong, on the *Tosha Maru* and at Calcutta.

An account of this meeting is given by Nawab Khan (p. 134). He had been wandering aimlessly about to and fro from his village trying to get in touch with different conspirators meeting at different times Rulia Singh (68), Arjan Singh, the Anarkali murder, and Jagat Singh (the Ferozeshahr murderer), and on the 17th he proceeded to the Ladowal meeting.

Assembled at this meeting were Pirthi Singh (58), Ram Rakha (65), Jiwan Singh (Ferozeshahr murderer), Jaggat Ram (31), Kartar Singh * (39), Kashi Ram (Ferozeshahr murderer), Nidhan Singh (54), Jaggat Singh (Ferozeshahr murderer), Nawab Khan himself and others.

The preparation of bombs and issue of literature were referred to, but the main decision arrived at was that various treasuries should be looted.

* The leaders were directed to collect their men, and the 19th November was fixed on for a meeting at Moga in order to perfect their designs.

This Ladowal meeting is admitted to have taken place by some of the accused, and it is corroborated by Amar Singh and Nathu Khan.

Nathu Khan (p. 343) is a *tonga* driver who drove Nawab Khan there along with Pirthi Singh (58) and others, and Amar Singh, who was not himself present, tells us (p. 67), Jaggat Ram (31) told him of the projected meeting, and on the 18th November he met Jaggat Ram (31), Rulia Singh (68) and Pirthi Singh (58), the former telling him Nidhan Singh and others had met and discussed methods to be adopted, and he was also informed of the meeting at Moga for the 19th.

The Moga meeting: The meeting at Moga duly took place on the 19th.

Amar Singh, tells us (p. 67), Kashi Ram (Ferozeshahr murderer),
* Nidhan Singh (54), Kartar Singh (39), Nawab Khan, Jaggat Singh (32) and Pirthi Singh (58) were present. The collection of money, the starting of the rising, dacoities, seduction of troops and looting of treasuries were discussed, but the main result arrived at was to attack the magazine at Mian Mir (Lahore) with the aid of a traitorous sepoy on the 25th November, and the leaders were told to get their men ready and meet for further discussion of plans at Badowal-Mullanpur on the 23rd.

Nawab Khan (p. 135) also gives us an account of the Moga meeting on the 19th. It had, as we have seen been convened to make arrangements for looting certain treasuries, and it was attended by Kashi Ram, Kartar Singh (39), Jiwan Singh. Amar Singh, Nidhan Singh (54) and others. The proposal to loot treasuries was dropped as Kartar Singh (39) said Parma Nand (56) considered it too risky, and in its place he told the meeting Parma Nand (56) had arranged with a sepoy to raid the Mian Mir magazine on the 25th. It was decided accordingly that the leaders should collect their men and meet again at Badowal on the 23rd to discuss their arrangements, and receive a report from Nidhan Singh and Kashi Ram as to whether the proposal was feasible.

The attendance of Amar Singh at this meeting is corroborated by Bishambar Das (p. 198) with whom Amar Singh stayed at the time.

The Phagwara meeting: Amar Singh refers to meeting of certain of the revolutionists at Phagwara in the interval where some points in connection with the revolution were discussed, but he is not clear as to the date, and as it was only an interlude further reference to it at this stage is unnecessary.

The Badowal meeting: The important meeting of the 23rd November was duly held between Badowal and Mullanpur stations, and it is sometimes referred to by us the Badowal. sometimes as the Mullanpur meeting.

Both Amar Singh and Nawab Khan were present.

* According to Amar Singh, Nidhan Singh (54), Jagat Singh, Dhian Singh, Kashi Ram, Chanda Singh, Rahmat Ali Khan, Jiwan Singh (all
* Ferozeshahr murderers) and others of Nidhan Singh's gang, Kartar Singh (39), and some others were there.

* We have seen that Jawala Singh has told us Nidhan Singh's Moga gang found themselves at Badowal on the 23rd, and though he did not attend the meeting, he saw Kartar Singh besides the men of his own gang.

* Nawab Khan (p. 135) tells us he himself sent Rahmat Ali Khan to the meeting, which was attended by Gandha Singh (16), Chanda Singh,
* Dhian Singh, Kashi Ram, Kartar Singh (39), Nidhan Singh (54), Amar Singh, Jagat Singh and others, there being also a party of Nidhan Singh's near the place.

Nawab Khan tells us the report of Nidhan Singh and Kashi Ram was favourable, and they decided to collect men from different parts to attack Mian Mir. Amar Singh gives us (p. 68) a very similar account, and Jawala Singh (p. 117) tells us Nidhan Singh after the meeting instructed his man to meet at Moga on the 24th for the attack on Mian Mir on the 25th.

* Umrao Singh (p. 336) who since his arrival had been hunting about for his leader Nidhan Singh met him at Ludhiana, in company with Pirthi Singh (58), Jaggat Singh (32), Kashi Ram, Arjan Singh (the Anarkali murderer) and Rahmat Ali, and heard him tell his companions to be at Badowal and he also heard of the proposed attack on Mian Mir and the assembly of men at Moga preparatory to it from Lal Singh.

The Mian Mir affair: The details of this attempt on Mian Mir on the 25th will be duly given elsewhere. It suffices to say here that men were duly collected for the purpose, some assembled there, others preparing to go were stopped by urgent messengers from Lahore, and

* **attempt on Mianmir on 25th**

the whole affair resolved itself into a miserable fiasco.

The Ferozeshahr murders and of the Moga gang: In its place it was projected to attack the Ferozepore Arsenal on the 30th November. Nidhan Singh's party, Kartar Singh and others met at Ferozepore and to fill in the time till the 30th, Nidhan Singh's party set off to loot the Moga Treasury. The result of this episode was that some of the men met Bisharat Ali, Sub-Inspector of Police, and Jawala Singh, *Zaildar,* while going to Moga; these two men were murdered, some of the gang were killed, * others captured and duly hanged later, others who had gone by train, viz., Roda Singh (67) and Jawala Singh were arrested at Moga and kept in custody, while some others, and notoriously Gandha Singh (16) made good their escape. This was the end of Nidhan Singh's gang as a separate entity.

Nawab Khan's gang: Some of the refugees came to Nawab Khan in Halwara, including Ganda Singh, and he proceeded to form a marauding party, the composition of which was constantly changing — the individuals who joined it, it is unnecessary here to detail, and we need only say Kartar Singh and Nidhan Singh were from time to time in it.

This gang projected *inter alia* dacoities, attacks on tehsils, railway bridges and police posts and wandered about in Jullundur, Kapurthala and Hoshiarpur with these objects, but achieved nothing. The gang seems to have gradually dwindled away, and Nawab Khan apparently got tired of the hopelessness of the designs. At any rate he was arrested on the 19th December after a few days of inactivity.

This was the end of Nawab Khan's gang. We may mention that in November, certain seditionists had got to work among the students at Ludhiana and also with Ichhra Singh at Lohatbadi, but though these persons were inflamed, and ready for mischief, they did not assume any real importance till much later.

The arrival of Mula Singh: Mula Singh, approver, who subsequently became the director at Amritsar, arrived in India on the 26th November, but beyond securing a house for himself and getting into communication with other revolutionists he remained practically inactive till the end of December.

The lull in December: The break up of the Ferozeshahr gang and the dwindling away of the Jullundur-Hoshiarpur marauders, and the arrest of so many of the leaders in November and December, including Nawab Khan, Jaggat Ram (who was arrested in Peshawar on 23rd November).

Pirthi Singh (58), who was arrested at Ambala on the 8th December, resulted for the time being in a short period of quiescence.

The release of Komagata Maru men and the renewed activities of the conspirators: There was not an end of the war, for there was constant intercommunication between the revolutionists, but they seem to have been void of any directing spirit for a time. We think it probable that the violent activities which recommenced at the end of December and beginning of January were not unconnected with the release of the interned *Komagata Maru* men, which occurred at that period. We know that to some extent the revolutionists left America in the wake of the *Komagata Maru,* and expected to find India in a blaze on their arrival, and we think that it is not improbable that the release of these men encouraged the revolutionists to take further action.

The Kapurthala meeting and the coming of Pingley: At any rate we do know that at the end of December matters began to assume once more a serious aspect. Pingley (59) came up-country at the end of December, and met Amar Singh taking him to Kapurthala. where Nidhan Singh (54). Kartar Singh (39), Parma Nand (57), Ram Sam Das (64) and he himself met. *Inter alia* bombs were discussed and Pingley mentioned that the Bengal party was prepared to cooperate.

The Virpali Dharamsala meeting: Shortly after, on the 31st December, there was an important gathering at the Virpali Dharamsala attended by Kartar Singh (39), Parma Nand (57). Harnam Singh (23), Pingley (59), Nidhan Singh (54), Mathra Singh (52), Harnam Singh (24). Hirde Ram (27), Jaggat Singh (32) and Balwant Singh (5).

Both Amar Singh (p. 69) and Mula Singh (pp. 95-96) give us an account of it. and the presence of Jaggat Singh (32), Nidhan Singh (54). Balwant Singh (5) and Mula Singh is further testified to by Thakur Singh (p. 200).

From these three witnesses we gather that the revolution was discussed, the looting of treasuries again mooted, the contribution of money considered, the seduction of troops, the collection of arms, the preparation of bombs, and the commission of dacoities brought into prominence.

Manufacture of bombs: Part of the gathering adjourned to Sant Gulab Singh's Dharamsala, where an experimental bomb was made and tried with success, and the proposal originally made by Pingley to bring up a Bengali expert adopted. Emissaries, as we will see in the section dealing

with the manufacture of bombs, were sent out to Lahore to collect materials. Some were got in Amritsar. and Nidhan Singh and others proceeded to Jhabewal (Ludhiana), there started a factory for the preparation of materials for bombs, bringing in several Ludhiana students to help. Materials were there prepared for some time in January, until the head-quarters were removed to Lohatbadi in the Nabha State.

The Coming of Rash Behari Bose: A house was procured from *Mussammat* Atri in Amritsar. Pingley went down country and brought up Rash Behari Bose and other Bengalis, who stayed there until the beginning of February, and Rash Behari Bose with Mula Singh as his right hand man in Amritsar assumed the direction of affairs.

Several of the revolutionists visited Rash Behari Bose in *Mussammat* Atri's house, but their general place of meeting was Sant Gulab Singh's Dharamsala, and it was from there they set out for their various predatory expeditions and it was there they returned to.

Activities in Ludhiana and Lohatbadi: From Amritsar Kartar Singh (39) extended his activities to Ludhiana, making Sucha Singh, a student, one of his right hand men there, and Gandha Singh (16) and Nidhan Singh (54) kept in touch with Lohatbadi, where Ichhra Singh and Narain Singh, approvers, operated from.

The dacoities: It was from these two places, Ludhiana and Lohatbadi, and the Jhar Sahib that towards the end of January and beginning of February dacoities were committed at Jhaner, Rabbon, Sahnewal and Mansuran, crimes we will consider in detail later, and it was from Amritsar that the Chabba dacoity was committed early in February, partly by men concerned in the other dacoities partly by other recruits.

The arrivals at Nanak Singh's Chaubara: We may here mention that the revolutionists were constantly on the look out for new recruits and we may note *passim* that on the 11th January, a new body of emigrants, who had come up from Madras, were met at Nanak Singh's *chaubara* in Amritsar by Nidhan Singh and Mula Singh and were induced to help and did take part in further operations in February.

The beginning of the end: It was the Chabba dacoity that was really the beginning of the end. Some of the local men were soon arrested and information was obtained that Mula Singh was involved in the arrangements.

Lahore as Head-quarters: Rash Behari Bose moved his headquarters at that time to Lahore; taking with him Amar Singh and others. Five

houses in all were secured there on purposes connected with the revolution.

The importance of Amritsar as a centre began to decline, and as a result of the enquiries in the Chabba dacoity Mula Singh was arrested on the 13th February and we hear nothing more of Amritsar as a centre.

Date for the Rising: In Lahore under the leadership of Rash Behari Bose it was decided on the 12th February to start a general rising on the 21st February.

From the very beginning of the movement, as we will see, attempts had been made to seduce troops by the distribution of literature and personal contact, but after the 12th February emissaries were sent out to several cantonments to announce the coming rising on the 21st February. Troops were to rise throughout the country on the receipt of news of the outbreak in Mian Mir and arrangements were made to collect gangs of villagers in Lahore to participate.

Preparation for the Rising: Bombs were prepared, arms got together, flags prepared, a declaration of war drawn up, instruments for destroying railways and telegraph wires collected and everything was put hastily in train for the general rising on the 21st February.

The spy: Unfortunately for the revolutionists they had overlooked the vigilance of the police.

As a result of the Chabba dacoity, Liakat Hyat Khan. Deputy Superintendent of Police, suspecting that the crime was the work of returned emigrants arranged with Bela Singh, *Zaildar*, to employ a spy who could get into touch with them. The man employed was Kirpal Singh. He had a cousin one Balwant Singh, a sowar in the 23rd Cavalry, who was himself involved in the projected rising and through him he got into touch with Rash Behari Bose and Amar Singh in Lahore. By representing himself as a revolutionist and being vouched for by Nidhan Singh (54), who had known him in Shanghai, and Balwant Singh, he was accepted as an active member and as the man to carry on Mula Singh's work after the latter's arrest. He pretended to enter heart and soul into the work of the revolutionists, and so heard of the rising being fixed for the 21st and to delude the leaders went off to Dadher to arrange for men to come in from there. He was, however, constantly in communication with the police, and so far as the Dadher people were concerned was arranging to have them arrested on the 20th February.

The change of date: Suddenly on the 19th February he discovered that the revolutionists had become suspicious of him. On the 15th February,

when there was a large meeting in Lahore he had wired to Liaqat Hyat Khan to come up from Amritsar to arrest the gathering. The wire was delayed and the police arriving late at Lahore were met by Kirpal Singh at the station, and he told them it was too late. He was seen at the station by some of the revolutionists when he was supposed to have gone to Mian Mir to convey to the troops there the message that the 21st had been fixed for the rising, and it was this fact led to his being suspected.

The result of this suspicion was that the date for the rising was antedated to 19th February-messengers were sent out as before to the troops, and to collect men and that night was to see the conflagration start in Lahore.

The police raid: Kirpal Singh found this out on his return from Dadher and told the Amritsar police who were in Lahore waiting for a raid on the morning of the 19th.

He remained in the Mochi Gate house throughout the 19th waiting for the leaders to assemble before giving a signal to the Police, but by the afternoon, though the principal leaders had not collected, having reason to believe those present intended to murder him he gave a prearranged signal to the police. The house was raided, some of the revolutionists captured, and the centre of organization was broken. Rash Behari Bose appears to have fled, others of the revolutionists disappeared, others from time to time have been arrested.

The collapse of the revolution: The centre broken, the rising in Lahore never took place and the other proposed risings in India collapsed, as the signal of the rising in Lahore was never given.

Accused and approvers as arrested gave information, which resulted in the discovery of the ramifications of their designs, so far as they have been placed before us.

After efforts in Meerut and Sargodha: Though the rising, however, had failed and the centre destroyed, some efforts were made even after to reorganize, and to seduce troops from their allegiance by Pingley, Kartar Singh, Jagat Singh and Harnam Singh, and these will be dealt with in their appropriate places.

We are not in a position to say whether there has been a reconstruction of the revolutionary party since the 19th February. We know of acts committed in furtherance of the objects thereof, such as murder, subsequently by original members of the party, but on the evidence which has been produced before us in this case, we have nothing to show that

any reorganization has been made since that day.

* * *

In our last Judgment we referred in very brief terms to what we called "after efforts in Meerut and Sargodha ": but we are now in possession of facts showing that, though the raid of the 19th February broke the back of the revolutionary movements, and deprived it of its centre in Lahore, the movement was by no means done with.

The 23rd Cavalry in Lahore still continued to be the hope of the revolutionists. Men like Prem Singh (67) made the lines of this regiment their rendezvous. Plots to murder Kirpal Singh, the spy. were hatched there: bombs were manufactured by some of the sowars: and mutineers discussed the murder of their officers and other preliminaries to the establishment of Swaraj. By an accidental explosion of a bomb in some luggage of this regiment, while en route to Nowgong, this part of the revolutionary movement was discovered: and through the people then involved the whole story of the Jhar Sahib array was cleared up. (SLCC Judgement p. 29.)

We showed in our last Judgment how men, who arrived by the Tosha Maru and Mashima Maru *came up to the Punjab: and we traced in detail their activities, through the Ladowal, Moga and Badowal meetings, up to the attempt to assault the Mian Mir magazine on the 25th November.*

Arrivals from Shanghai and Hong Kong: *In addition to these men, we have now evidence as to earlier arrivals from Shanghai and Hong Kong by the* Nam Sang *and other vessels.*

Men who returned by these vessels, though devoid of a leader like those who came out later, were, according to the evidence, more or less under the directions of accused 18, until the 18th November, when he was arrested.

Under his orders, the evidence states, sedition was actively preached in the villages: and the Indian army and men told to hold themselves in readiness to rise and massacre when the signal was given.

The Jhar Sahib and 23rd Cavalry: *Revolutionists kept in touch with each other at fairs: and eventually a committee was appointed at Khasa (Amritsar) to arrange to give effect to their designs. This committee, which got into touch with Nidhan Singh, decided on a gathering at Jhar Sahib on the 23rd November. It was, however, on the 26th November that the real gathering actually did take place. It was a gathering of*

armed revolutionists, which was expecting mutineers of 23rd Cavalry to ride out to them, after the attack on the Mian Mir magazine on the 25th had been successfully accomplished, and then proceed to march on Tarn Taran.

The 23rd Cavalry failed to rise in large numbers. Some men did mutiny, but arrived days late at the Jhar Sahib, and were quickly arrested; and the revolutionaries, deprived of their assistance, contented themselves with marching from Kairon to Sarhali to attack the thana there, get arms, and then proceed to Patti or Tarn Taran.

This march on Sarhali ended, as so many of the schemes of the revolutionists did, in a ludicrous fiasco; and the great majority of those who were concerned in it seem to have had enough of Ghadr, *and to have then dropped out of it.*

The Ferozeshahr murders, etc.: *We have nothing to add at this point to the paragraphs of our previous judgment dealing with the Ferozeshahr murders, Nawab Khan 's gang, the arrival of Mula Singh, the lull in December, the coming of Pingley, the Virpali Dharamsala meeting, the manufacture of bombs, the coming of Rash Behari Bose, activities in Ludhiana and Lohatbadi, the dacoities, Lahore as head-quarters, the date for the rising, the spy, the change of date, the police raid and the collapse. All that we then said on these matters holds good in the present case.*

Revolution in Ludhiana District: *We have, however, evidence now showing, that while the centre of the revolutionists was in Amritsar and Lahore, there was an active revolutionary movement taking place in certain villages in and near the Ludhiana District under - so it is said - the leadership of Randhir Singh; himself a person well known to the Lohatbadi revolutionists, an acquaintance of Kartar Singh (L.C.C.), and known by name in all probability to Rash Behari Bose.*

This wing of the revolutionary movement according to the evidence originated in a series of meetings of some ill-balanced and ill-informed Sikhs, who had been deluded by Randhir Singh and others, into a belief that their religious susceptibilities were being interfered with. By skillfully playing on their bigotry and gullibility a gang was organised in these villages to go down to Ferozepore on the 19th February, there to attack the arsenal with the disaffected troops in that station. A party did go to Ferozepore; but abandoned the projected assault for the reason that the sepoys, who had undertaken to help there, had been placed under arrest,

and discharged from the regiment that very morning.

The 19th February: *We thus know how it was that both in Lahore and Ferozepore, (in the latter of which places there was a distinct array to wage war), the expected mutinies of the 19th February failed.*

It was not only in the 23rd Cavalry that the Ghadr *movement survived the troubles of the 19th February.*

Some of the men who failed at Ferozepore on the 19th tried their hand on the 22nd in an assault on the Doraha bridge, which came to nothing: and, after this, owing to the rounding up of the majority of the leaders in the first Lahore conspiracy case, there was a general scattering of Ghadr men.

Kapurthala Raid: *In April, however, we find that Dhudike had become a rendezvous of revolutionaries. There were active revolutionists returned from America in that village: and the local school master (accused 65) is said to have been in close touch and sympathy with them, and to have become a kind of introducer of other revolutionists to them. Whether he was or not. we will discuss later, but there is no doubt (hat men of that village and others of the neighbouring villages were asked to join by some Amritsar revolutionists in an attack upon the Kapurthala armoury in June.*

On the 5th June a gang of armed men met at Kapurthala to attack the armoury there: with apparently the intention of then marching into Lahore to attack the Central Jail, and release the prisoners in the conspiracy case. The gang came to the conclusion that they were in insufficient numbers to attack on that day, and postponed the attack to the 12th June.

The Walla bridge murders: *In the interval, a portion of these men determined to attack the railway bridge guard at Walla Bridge (Amritsar), and get arms there for use in attacking the Kapurthala armoury. The Walla Bridge guard was attacked on the 11th June, two men were murdered, and, while the murderers were retracing their steps to Kapurthala, they murdered two more men en route. Eventually, 5 of these murderers were arrested and have been hanged: and others of those concerned in the Kapurthala raids were seized.*

The leaders of the Dhudike gang have been gradually been arrested.

The other enterprises of the remnants of the revolutionists consist of murders, which we will deal with later.

Murders: *It suffices for us to say here that murder has been tried*

with some success, in order to prevent decent citizens doing their duty in suppressing the revolutionists, and in giving evidence. (SLCC Judgement p. 28-29.)

The sketch we have given is only a rough one, and we have now to fill in the details by taking each branch of the activities of the revolutionists separately and by discussing some of the episodes more fully.

I - INTERNAL ARRANGEMENTS

(1) Use of False Names

One of the incidents which are brought frequently before us in this case is the use of false names.

The use of false names is no crime in itself, but when we find a number of persons associated, several of whom consistently use false appellations, the natural conclusion is that they are doing so to conceal something. The matter is no doubt a small one in a case of this magnitude, and it will suffice if we merely indicate the various appellations by which the accused were known.

Rash Behari Bose (66) was not known by that name to any of the revolutionists - he is known as the "Fat Bengali", "Satinder Chandar". "Chuchandra Nath Dutt" and "Satish Chandar" as occasion arises: Pingley (59) varies his name to "Sham Lal", "Dalip Singh", Dalpat Singh". "Dhanpat" and "Zinda Singh"; Mula Singh is just as often known by the name of "Punjab Singh" as by his real name. Amar Singh has called himself "Ram Singh", "Fattah Singh", "Ram Rakha", "Thakur Das" and "Karm Chand"; Kartar Singh has adopted the names of "Naurang Singh", "Harnam Singh" and "Ishar Singh" at different times; Ram Sarn Das (64) has used the name of "Jamna Das"; Jamna Das (33) has an alias of "Charn Das" and another of "Ram Singh"; Nawab Khan has on occasions rejoiced in the name of "Hidayat Khan". Hirde Ram (27) hired houses in the name of "Ramji"; the famous Gandha Singh (16) is equally known by the name of "Bhagat Singh"; Arjan Singh (the Anarkali murderer) used "Sajjan Singh" as one of his *aliases* and Jaggat Ram (31) when arrested called himself "Ram Rakha."

Kirpal Singh in going to Dadher with instructions for Wasakha Singh was told to tell the later to call himself "Bachan Singh'" in Delhi: the famous Banta Singh, the executed murderer of Walla Bridge fame, sometimes called himself "Balwant Singh": Gurmukh Singh (17) is known

by the name of "Anup Singh" as well as by his proper appellation. Harnam Singh (23), absconder has varied his name to "Arjan Singh". Jaggat Singh (32) is also "Jai Singh"; Jawand Singh (35), another famous absconder, is just as often "Jaswant Singh": Jawala Singh (36) has given an alias of "Santa Singh": Piara Singh (60) that of "Karm Singh" and Uttam Singh (79) goes also by the name of "Ragu Singh". Rulia Singh (68) is called by some witnesses "Rur Singh" and Kidar Nath is referred to by Mula Singh as "Amar Nath".

(2) "Post Office" Accused

It appears to have been one of the arrangements of the revolutionists that the whereabouts of different members of the party should not be fully known to all the others and consequently when, on occasion it was desired to get into touch with each other, enquiries had to be made from persons whom we have described as "Post Office" accused.

How far these particular accused were or were not revolutionists and fully cognizant of the aims of the others we will deal with fully when we deal with the individual cases, and we will there also deal with whatever other activities they engaged in.

We must always bear in mind that one of the persons to whom reference was constantly being made for aid or directions was Mula Singh, the chief agent in Amritsar.

(i) Bhai Parma Nand: The first of these "Post Office" accused is Bhai Parma Nand (56)

Amar Singh (p. 65), states that when on the *Korea* Jaggat Ram (31). one of the leading members of the staff of the *Ghadr,* told him that if he wanted to find out his whereabouts in India, he was to inquire in Lahore from Parma Nand (56). and he also said he had given the same instructions to Parma Nand (57). He gave witness a full description of where Parma Nand (56). could be found. He further asserts that Jaggat Ram repeated these directions at Moghal Sarai Station.

He further alleges that on arrival in Lahore Pirthi Singh (58) and he went to Parma Nand's house inquiring for Jaggat Ram (31), and he was told that as soon as Jaggat Ram turned up. he would be informed of his whereabouts.

A few days after when again in Lahore he went once more to Parma Nand (56), who told him Parma Nand (57) wanted to see him and gave his address as the Arya Samaj Mandir at Anarkali. whither he went and

found him.

Parma Nand (56) admits the visits of Amar Singh and the substantial accuracy of the witness' statement, and we will deal with his defence in regard thereto later, and Jaggat Ram (31). also admits giving the witness directions to ask for his address from Parma Nand (56).

Parma Nand (57) admits stopping at the Arya Samaj Mandir, and this facts is further established by the evidence of Todar Singh (p. 182). P. Gobind Shastri (p. 182) and Narain Das (p. 182) who all saw Parma Nand (57) at that place.

There is also the evidence of Mula Singh (p. 95) connecting this accused with a similar matter.

He says that on arrival in India he went at the end of November to the shop of Bhai Parma Nand to enquire for the address of Kashi Ram (who was one of the Ferozeshahr murderers, a crime committed on 27th November 1914). Kashi Ram having told him to enquire there while in Shanghai. He also enquired as to Kartar Singh (39), and was told, what is perfectly correct, that Kashi Ram had gone to Ferozepore. He also told him Jaggat Ram had been arrested in Peshawar (the arrest having taken place on 23rd November 1914) and told witness to keep away from his shop, as his. Parma Nand's, name had been mentioned. He also states Parma Nand told him Sohan Singh (74), who was interned on arrival, had been arrested.

This visit of Mula Singh's is denied by the accused. Mula Singh does not assert he ever saw Parma Nand on any other occasion, yet he identified him (under circumstances considered later) on the jail parade.

(ii) Naurang Singh: The second of these accused is Naurang Singh, a tailor in Amritsar. We will see that this accused first met Mula Singh about 26th November at the Golden Temple, and was the person who was engaged to arrange for houses at that city.

Mula Singh tells us (p. 93) he told his own father he could always find his address at Naurang Singh's shop; at Tarn Taran he gave his Amritsar address (p. 95) to Jaggat Singh (32), Lal Singh (49) and Inder Singh (30). and on returning to Amritsar he heard a stranger had been enquiring for him at Naurang Singh's. He also tells us (p. 96) that the day after the experimental bombs he met Kartar Singh (39) and Jawand Singh (35) at Naurang Singh's shop and on p. 99 he mentions meeting a Bengali there enquiring after him. This Bengali proved to be Rao, the precursor of Rash Behari Bose.

Thakur Singh (p. 200) says Mula Singh told him if he ever wanted to find him he should enquire either at Naurang Singh's or Hardit Singh's, and he states he met Mula Singh later at the former's.

Kirpal Singh (p. 84) informs us that when he was asked to get into touch with Mula Singh, his cousin Balwant Singh, sowar, told him to enquire from Naurang Singh, to whom he, went, but the latter refused to give him particulars at first, but eventually he found out from him Mula Singh had gone to Lahore and could be found at Madan Singh's.

Liakat Hyat Khan (p. 151) tells us Mula Singh told him Naurang Singh was one who kept in communication with all conspirators, and Ali Haidar Khan tells us Mula Singh was arrested at Naurang Singh's.

(iii) Madan Singh: The third man is Madan Singh (50). Liakat Hyat Khan says that Mula Singh told him he was a "Post Office", and Kirpal Singh (p. 184) informs us that when hunting for Mula Singh he went to Madan Singh on Naurang Singh's directions. On 12th February Madan Singh told him he was in Lahore, but when they got to Lahore they found Mula Singh had gone back to Amritsar.

(iv) Hardit Singh: The fourth accused is Hardit Singh (20).

Amar Singh (p. 87) tells us he got to know of Hardit Singh from Mula Singh and whenever he wanted to find Mula Singh he enquired from Hardit Singh.

Hardit Singh's shop adjoins Naurang Singh's, and Mula Singh tells us (p. 97) that Hardit Singh brought Ram Saran Das (64), whom he did not know before to him. He also deposited the address of Rao with accused.

He also states (p. 104) that he met accused Kharak Singh (44) and Sajjan Singh at Hardit Singh's house, who told him they wanted to meet the Anarkali murderer, Kartar Singh (39) and Jaggat Singh (32) and to join the party.

Kishan Singh, *Sadh* (p. 209) refers to meeting Mula Singh at Hardit Singh's and Sahib Singh (p. 224) states he saw Harnam Singh (24) there.

(3) The Amritsar Houses

Amritsar became the head-quarters of the revolutionists when Mula Singh arrived on the 26th November.

The Baba Aral House: Mula Singh on arriving in Amritsar says (p. 93) he attended a meeting at the Golden Temple in regard to some water

trouble, and Naurang Singh (55) spoke there. He was told Naurang Singh would help to secure him a house and Naurang Singh did secure it for him and he had his things removed to that place.

Kaka Singh (p. 201), the owner of this house in Baba Atal, tells us Naurang Singh (55) brought Mula Singh to him and at his request he leased it. He states Mula Singh simply left his box there and the house remained unoccupied until eventually Mula Singh brought the police.

Naurang Singh (55) (p. 375) merely admits so far that he referred Mula Singh to his house, if vacant.

Mussammat Atri's House: Amar Singh (p. 69) tells us that at the meeting at the Dharamsala on the 21st December, it was decided to procure a second house suitable for the Bengali expert who was shortly expected and this proposal was repeated early in January, some time after the experimental bomb affair, with the idea that bombs should be made there.

Mula Singh (p. 98) tells us that after the 12th January he told Naurang Singh (55) to secure a house suitable for the Bengali expert and Hardit Singh (20) was got to write a letter to the owner, one *Mussammat* Atri. and the letter (P. 40) was sent by the hand of Madan Singh. This house was in Chauk Baba Atal and after it had been secured from *Mussammat* Atri, Pingley (59) saw it. approved of it. and went and fetched up Rash Behari Bose, who lived in it with out leaving it for 15 or 16 days, when he left for Lahore as he was receiving too many visitors.

Jamna Das (p. 375) admits having lived in this house with Rash Behari Bose. and there is no question this house was obtained for and lived in by that person.

Dasondha Singh (p. 201), who lives opposite, says Hardit Singh (20) came to him and asked if Atri's house was to let. He gave him Atri's address and wrote her letter and *Mussammat* Atri (p. 201) says Madan Singh (50) brought her letter saying the house had been let, and she received the rent in due course.

Madan Singh (p. 398) admits taking the letter at Naurang Singh's request to Atri and having received the keys of the house, which he handed over to Naurang Singh.

Naurang Singh (p. 374) admits referring Mula Singh to Hardit Singh to find out if the house was available, and having suggested that Madan Singh should take the letter to Atri; and Hardit Singh (p. 370) admits making enquiries about it from Dasondha Singh. Their respective explanations will be dealt with more fully when we come to deal with the individual cases.

We will also consider the various visitors received by Rash Behari Bose in this house in due course.

Chauk Moni House: There was yet a third house hired in Chauk Moni for Mula Singh the whereabouts of which seem to have been carefully concealed from everyone.

Mula Singh tells us (p. 100) that he asked Kishan Singh. *Sadh,* of the Virpali Dharamsala to arrange, after the Mansuran dacoity, for another house wherein to hide incriminating articles. In this house he placed certain bomb materials, etc., locking things up in an almirah.

Thakur Singh (p. 200) states Mula Singh asked him at the Virpali Dharamsala to arrange, with Kishan Singh. *Sadh,* for rooms for him, and he spoke to the latter, and Kishan Singh. *Sadh* (p. 209). says Thakur Singh recommended Mula Singh to him as his friend.

Mula Singh came to him some time after and after helping him to get the Chabba and Mansuran dacoity proceeds disposed of, he got him at his request a house in Chauk Moni. where Mula Singh placed a tin. a knife, a pistol and other things.

We will see in the sections dealing with arms and bombs that after Mula Singh's arrest Balwant Singh (5) came and removed these articles and they were brought into Lahore by Parma Nand (57) and Sajjan Singh, consequently when Mula Singh on the 25th February took the police nothing was found there save broken cupboards.

The Virpali and Sant Gulab Singh's Dharamsalas: In addition to these three houses, both Amar Singh and Mula Singh constantly refer to the Virpali Dharamsala in Amritsar as a place where revolutionists met, and also Sant Gulab Singh's Dharamsala.

In regard to the former the *Sadh* is Kishan Singh, and the *Mahant* of the latter is Sant Gulab Singh, who tells us (p. 199) that Mathra Singh (52) came to him and asked permission to occupy a lower room. Later he saw Harnam Singh (23), who lived with Mathra Singh, and subsequently Mula Singh and 2 or 3 other men came there.

We will see how constantly this place was used, and that a stone slab stained with chemicals and 2 powders were found there.

(4) The Lahore Houses

The Hiring: After the meeting of the 31st December when the experimental bomb had been successfully made Amar Singh states (p.

70) it was decided to hire a house in Lahore for the manufacture of bombs and accordingly about the 15th January he and Ram Saran Das (64), came into Lahore in search. He states they rented the house of one Mehtab Rai outside the Mochi Gate. Ram Saran Das gave his name as Charan Das, son of Jamna Das, and receipts were made out accordingly (P. 9 A., B.) for two portions of the house hired separately.

An agreement (P. 9C), said to be in Ram Sarn Das' handwriting, was also executed.

A second house in Gawal Mandi was also obtained from the agent of R.B. Ganga Ram in the name of Charan Das, son of Jamna Das, a receipt (R 10A) being given, and a deed of lease (R 1 OB) was obtained by Amar Singh in the name of Karm Chand, but never executed.

Amar Singh states that for this house he bought 4 *charpais* in the bazar.

About the 30th January Amar Singh was sent with Jamna Das (33), servant of Rash Behari Bose, to Lahore, and about the 2nd February Rash Behari Bose, accompanied by Kirpal Singh (46), moved to the Gawal Mandi house from Amritsar. Kirpal Singh's bedding etc., were placed in the Mochi Gate house, and the (witness) purchased domestic utensils (P. 18 A, E.) in the bazar.

Mula Singh (p. 98) states that Ram Saran Das (64) came to him at Amritsar, telling him he had hired two houses in Lahore and handed over to him the 3 receipts (P. 9 A, B, 10 A,), which he gave to Hardit Singh (20), for custody, and then went off to Kapurthala.

When they had been secured Pingley went to see them and approved of them, and then went off down country to bring up the bomb expert.

Liakat Hyat Khan (p. 152) testifies that these 3 receipts were found in the house of Hardit Singh on the 4th March.

With reference to the hiring, Mehtab Rai (pp 326,327) speaking of the Mochi Gate house, says two men came to him on the 16th January, calling themselves Jamna Das and Amar Singh, and he leased the house in two parts, giving receipts (P. 9 A, B.), and re-let them again for another month on 16th February.

He identifies Amar Singh, and describes his companion as a young man with prominent teeth — a characteristic of Ram Saran Das.

In regard to the Gawal Mandi house, Ishar Das (p. 178), states he leased it to two men on the 16th January; the lessee gave his name as Karm Chand (whom he identifies as Amar Singh), a deed was bought

but not executed, and a receipt given. He saw Amar Singh and his companion again when they paid him the second month's rent and identifies Jamna Das (33) as Amar Singh's companion. Jamna Das may have been his companion on the second occasion, but he had not come up to Amritsar even on the 16th January.

Ahmad Khan (p. 158), however, tells us it was Jamna Das who gave him the information on the 22nd February as to the hiring of this house.

Sukko (p. 183) identifies Amar Singh as having bought *charpais* from him, and Ahmad Khan (p. 159) tells us Hirde Ram (27) told him he had bought other *charpais* for the Mochi Gate house from one Gokal Chand, who identifies (p. 183) Hirde Ram as the purchaser. Devi Das (p. 176) identifies Amar Singh as having bought (P. 10 B), a deed of lease on 16th January 1915 in the name of Karm Chand.

These, however, were not the only houses hired in Lahore. Amar Singh tells us (p. 77) that about the 14th February Rash Behari Bose gave orders to hire a third house for printing purposes. Two houses were obtained, one in Wachowali and one in Gumti Bazar by Hirde Ram (27) the key of the former he himself kept, that of the latter he gave to Rash Behari Bose.

Rash Behari Bose about the same time, said he would move to yet a fifth house in the Gawal Mandi, as too many students were visiting the Mochi Gate house.

Ahmad Khan (p. 158) tells us that Hirde Ram (27) told him on 24th February 1915 he had rented two houses, one in Wachowali and one in Gumti Bazar, pointed them out to him, and said he had hired them from one Mela Ram in the name of Ramji. He tells us also (p. 159) that Mela Ram and Jamiat Ram identified Hirde Ram as the lessee, produced lease (P. 121) where the lessee is named Ramji, and also traced the stamp-vendor Karm Chand, who identified Hirde Ram as the purchaser of the deed.

Mela Ram (p. 175) identifies Hirde Ram as the lessee of the Wachowali house, and produces the lease (P. 121). dated 15th February 1915, and Rup Lal (p. 175), attesting witness, similarly identifies the same accused, as does also Hira Lal (p. 176).

Karm Chand (p. 176), the stamp-vendor, also identifies Hirde Ram as having bought (P. 121) from him in the name of Ramji.

Jamiat (p. 176) identifies Hirde Ram as having contracted to hire the Gumti Bazar house from him, but says he never saw him again; and

the deed promised was never executed. It appears, therefore, that this house was never actually occupied, and this is further rendered probable by the fact that nothing in connection with the conspiracy was found there on search-*vide* Ahmad Khan (p. 158).

In regard to the fifth house in Gawal Mandi to which Amar Singh refers we have no evidence as to its actual hiring.

Ahmad Khan (p. 159), however, tells us that Jamna Das told him in March that Rash Behari Bose had moved to it. Ikram-ul-Haqq (p. 355) says Jamna Das (33) took him there, where the domestic utensils (P. 18 A, E.) bought for house by Amar Singh and Jamna Das were found, and also part of a liner (P. 26 C), referred to in the section relating to the purchase of files and pliers.

Punjab Singh (p. 182) corroborates Ikram-ul-Haqq in this connection and Sucha Singh (p. 279) says that about 14th February, Jamna Das (33) told him that Rash Behari would have to move since Mula Singh had been arrested. That these houses were used by the revolutionists for the objects of war is clearly proved by the discoveries made.

The discoveries: We will in the appropriate places give the evidence establishing the discoveries, but we may here briefly recapitulate what was found:–

> In house No. 1,3 loaded bombs, 4 empty ink-pots, raw materials for bombs, a dagger, a revolver, a seditious couplet, a torn copy of the *Ghadr,* books, clothing and bedding belonging to Kirpal Singh (46), cloth for flags and flags.
>
> In house No. 2, pointed out by Kharak Singh (44), a ream cover. a litho page of *Ghadr Sandesa,* certain notes (P. 98 A., B.) in the hand of Rash Behari Bose, cartridges, locks, files, a pistol, pliers, a coat made in Calcutta, 15 copies of *Ilan-i-Jung,* a liner, M. S. Kohli forms a bundle of foolscap, another bundle of *Ilan-i-Jung,* a sword-stick, paper fasteners, 4 sewn and 7 un-sewn flags, 4 duplicators, a torn copy of *Ghadr-di-Gunj,* a slip of paper with 8 names on it, time tables and maps.
>
> In the Wachowali house (house 4) — bombs, some chemicals and acids, 60 cartridges and a country-made pistol.

(5) Arrangements to meet in India

The subject of prior arrangements to meet in India is short and need not detain us long. We have seen that the revolutionists arranged in Hong

Kong and again on the *Tosha Maru* to meet at Ladowal on the 17th November in order to develop their plan of campaign, and we have also seen that Jaggat Ram (31) and Kashi Ram told others to ascertain their whereabouts from Bhai Parma Nand (56).

In addition to these arrangements to meet each other in India, we have briefly to refer to other like arrangements.

Mula Singh, (p. 92), tells us he met Pingley (59), Wasawa Singh (81), and others at Singapore, and he told them to enquire for him when required at the Darbar Sahib in Amritsar.

We will also see that on the 11th January certain of the accused, arriving in Madras shortly before that date, proceeded at once to Nanak Singh's *chaubara* in Amritsar, where they were at once interviewed by Mula Singh and Nidhan Singh (54), and money collected from them. We have no direct evidence that they had pre-arranged to meet there, but it is suggestive, not merely from the promptitude with which two of the leaders got into communication with them, but also from the fact that Mula Singh on arrival in Amritsar went straight to the same *chaubara* (p. 93), and was early interviewed by Balwant Singh (Sowar) who had come in Nidhan Singh's train from Shanghai, and also from the fact that Nand Singh (53), in his confession (p. 413), informs us that Sohan Singh (74) told his fellow-passengers on board ship to proceed on arrival in Amritsar to a *dera* near the Clock Tower, where they would get orders. It was to this place he went and got his orders from Mathra Singh (52).

Jawala Singh (p. 115) tells us that the *Mashima Maru* party on arrival at Madras was told to go partly to Amritsar, partly to Chuga near Moga, and these orders were carried out, and Umrao Singh (p. 336) received a special direction to meet Nidhan Singh at the Clock Tower in Ludhiana.

The matter is only of this significance that it shows that from the very beginning plans for keeping the revolutionists in touch with each other were developed.

II - THE GATHERINGS OF THE REVOLUTIONISTS

(1) The Meetings of Revolutionists in India

In dealing with the various activities of the revolutionists we will have occasion to refer to certain meetings at which plans were discussed

and crimes arranged, but it will be convenient here if we give a short details of these meetings. We propose to mention the meetings which took place away from the ordinary centres of the revolutionists, and then proceed to note the revolutionists present from time to time at the centres at Lahore, Amritsar, Lohatbadi, Ludhiana and the Jhar Sahib, the sole object at this stage being to show, in very brief compass, the constant inter-communication between the various revolutionists.

Ladowal: We have already seen that the meeting at Ladowal took place on the 17th November. The men present, according to Nawab Khan, were accused 58, 65, 31, 39 and 54; Jiwan Singh, Kashi Ram and Jagat Singh (Ferozeshahr murderers), himself and various others not before us.

Amar Singh, on information received, mentions accused 58, 31, 39, 54 and others.

Nathu Khan (p. 343) refers to seeing 58 and Nawab Khan.

Matters discussed were the preparation of bombs, issue of seditious literature and attacks on treasuries.

Moga: The second meeting was on 19th November 1914 at Moga.

Amar Singh refers to accused 54, 39, 32, 58, Kashi Ram (Ferozeshahr murderer), himself and others.

Nawab Khan refers to accused 54, 39, Kashi Ram and Jiwan Singh (Ferozeshahr murderers), Amar Singh, himself and others.

Matters discussed were the collection of money, starting of the rising, dacoities, seduction of troops, looting of treasuries and an attack on the Mian Mir magazine.

Badowal - Mullanpur: The third meeting was between Badowal and Mullanpur on the 23rd November.

Amar Singh mentions accused 54,39, Jagat Singh, Dhian Singh, Kashi Ram, Chanda Singh, Rahmat Ali Khan, Jiwan Singh (Ferozeshahr murderers) and others.

Jawala Singh mentions *inter alia* accused 54 and 39.

Nawab Khan gives the names of accused 16, 39, 54, Rahmat Ali Khan, Chanda Singh, Dhian Singh, Kashi Ram and Jagat Singh (Ferozeshahr murderers), Amar Singh and himself.

The matter for discussion was the arrangements to be made for the attack on the Mian Mir Cantonment.

Kapurthala: The fourth meeting was held at Kapurthala at the end of December 1914.

Amar Singh mentions accused 59, 54,39, 57,64, and himself as present. The matter discussed was cooperation with the Bengal party, and the preparation of bombs.

Mula Singh (p. 95) states he heard from Jagat Singh (32) that Nidhan Singh (54) and Kartar Singh (39) has been to Kapurthala and were returning to Amritsar.

(2) Men at Amritsar

Amar Singh states that at various times he saw the following accused at Amritsar:–

(a) At the Virpali Dharamsala about 31st December 1914, when *inter alia* the experimental bomb was made, accused 59, 54, 39, 23, 52, 24, 5, 57, 27, Mula Singh, and others.

(b) At *Mussammat* Atri's house, in the middle of January, accused 66, 27, 57, 52, 23, 59, 65, 24, 5, and the Anarkali murderer.

(c) Between the 12th and 22nd January at Atri's house, accused 66, 52, 39, 59, Rao, Chemist, and Mula Singh at various times.

(d) At Sant Gulab Singh's Dharamsala, about 22nd January 1915, accused 54, 52, 23, 27, 54, and Mula Singh.

(e) At Sant Gulab Singh's Dharamsala about 28th January 1915, after the Mansuran dacoity, Mula Singh, accused 52, 66,39, and 46.

(f) At Atri's house, about 30th January, accused 66, 33, 52, and a mysterious stranger.

(g) At Sant Gulab Singh's Dharamsala, *circa* 2nd February 1915, accused 11, 65, Balwant Singh (sowar), Mula Singh, and the Anarkali murderer.

(h) At Atri's house, *circa* 4th February 1915, after the.Chabba dacoity, Mula Singh, accused 11, and the Anarkali murderer.

(i) At Atri's house, *circa* 6th February 1915, Mula Singh, accused 6, 17, 21, 11, 46, and the Anarkali murderer.

(j) In Amritsar, *circa* 7th February 1915, accused 46, 17, 5, 6, and the Anarkali murderer.

(k) At Sant Gulab Singh's Dharamsala, *circa* 13th February 1915, accused 54, 44, 70, 21, 5, 23, and 32.

(1) At Sant Gulab Singh's Dharamsala, *circa* 14th February 1915, accused 41, 54, 5, 21, and Kirpal Singh spy.

Mula Singh saw the following accused at various times in Amritsar:–

(a) At the Virpali Dharamsala and Sant Gulab Singh's on 31st December 1914, when the experimental bomb was made, accused 24, 39, 54, 32, 59, 57, 52, 23, 27, 16, and Amar Singh.

(b) At Naurang Singh's Shop, *circa* 1 st January 1915, accused 39,32, 52, 57, 54, and Amar Singh

(c) At Sant Gulab Singh's Dharamsala, *circa* 2nd January 1915, accused 24, 32, 5, 23, 35, 27, and later 65. and Amar Singh.

(d) At Sant Gulab Singh's Dharamsala, *circa* 4th-5th January 1915, accused 52, 54, 30, 32, and 39.

(e) At Sant Gulab Singh's Dharamsala, *circa* 5th-6th January 1915,59, Sanyal, 23, 52, 49, and 39.

(f) At Sant Gulab Singh's Dharamsala, *circa* 7th-8th January 1915, 81, and 75.

(g) At Sant Gulab Singh's Dharamsala, *circa* 10th January 1915, 54, Sanyal, 24, 35, 5, and 68.

(h) At Nanak Singh's *chaubara, circa* 11th January 1915, accused 54, 80, 4, 41, 39, and later Sanyal, 20, 64, 65, and Amar Singh at Atri's.

(i) In Amritsar, *circa* 12th-l3th January 1915, accused 35, 5, 65, 68, 24, and 64.

(j) At Sant Gulab Singh's Dharamsala, later in January, accused 35,65,5, 59, Amar Singh, 27,39,32 and 68.

(k) At Atri's house visiting the Bengali (66) at various times in January, Rao (63), Sanyal, 59, 39, 32, Anarkali murderer, 35, 46, Amar Singh, 52, 27, 64, a mysterious stranger, and 33.

(1) After the Mansuran dacoity at Sant Gulab Singh's Dharamsala, 39, Amar Singh, 35, 24, 5, the Anarkali murderer, 65, 11, 23, and 32.

(m) At Atri's house about 30th January, Rao, 66, 39, 59, and in Amritsar Sucha Singh.

(n) In Amritsar prior to Chabba dacoity, *circa* 1st February 1915, accused 50, 32 and 27.

(o) At Sant Gulab Singh's Dharamsala on 2nd February 1915, 65,24,35,11, Amli, the Anarkali murderer, 32, and 45.

(p) At Sant Gulab Singh's and Atri's house on 3rd February 1915, after the Chabba dacoity — the Anarkali murderer, 32, 11, 61, Udham Singh (approver), and 20.

(q) Early in February in Amritsar, Rao, Amar Singh, 66, Anarkali murderer, 20, 46, 32 and 5.

(r) At Atri's early in February, 54, 32, 35, Anarkali murderer, 6, 5,11,24,17,30 and 46.

(s) At Atri's after the abortive Kartarpur dacoity, 6, Anarkali murderer, 5, 17, 46, and 27.

(t) At Hardit Singh's shop, 44, and 70.

(u) At *Mussammat* Atri's on 13th February 1915, 44, 70, 35, 82, 61, 11, 57, and 5.

Kirpal Singh, spy states he saw the following accused together in Amritsar:–

At the Rasulpuria *haveli* on 13th February 1915, Balwant Singh (sowar) and Amar Singh.

At the Rasulpuria *haveli* on 14th February 1915, accused 54,21, 41, Balwant Singh, and Amar Singh.

Sant Gulab Singh (p. 199) mentions 5, 52,23, and Mula Singh as visitors at his dharamsala, and mentions many others frequented it.

Thakur Singh (p. 200) states that at the Virpali dharamsala he saw Mula Singh 32, 54, 5, Amar Singh, and he thinks 59.

Mangal Singh Police Constable (p. 202) saw 27 returned emigrants on 12th January 1915 at Nanak Singh's *chaubara,* including accused 4, 9, 25, 80, and 41.

Sohan Singh, owner thereof, identified accused 80 as one of the 27 men and saw Mula Singh there the same day, and Nikka identifies Mula Singh, 32, 9, 30, and 80 as visitors to the *chaubara*.

Sahib Singh (p. 224) saw accused 24 at 20's shop with Mula Singh.

Udham Singh, approver, speaks of the Chabba dacoits reassembling at Mula Singh's house in Amritsar, and saw 20 there.

Sucha Singh on the 2nd February saw, at Sant Gulab Singh's dharamsala, accused 35,24,39, the Anarkali murderer, 65, 11, and 59, and at Atri's house 66,39, and 59, and in Amritsar elsewhere, 52 and Amli.

(3) Men in Ludhiana

Sucha Singh states that from November to February he was visited at various times in connection with the revolution, at his boarding-house

by accused 17,70,62,2,46,15,39,52,57,54,42,59,24,65,68, 32, 11,5,35 Kahn Singh, Dalip Singh, Umrao Singh, and the Anarkali murderer.

Kartar Singh saw accused 17 there. Jaimal Singh saw Kahn Singh and accused 15,39,32, 59,24,46, 5, and 52; Sher Muhammad met Kahn Singh, 15, 39 and 46; Surti Singh saw Kahn Singh, 15,46, 65, 39, 59, 62, 32. 54. and the Anarkali murderer; Abdul Alim made the acquaintance of 39, 65,46, 59, 52, 15, 54,32 and 5, while Umrao Singh came across 39, 32, 65, 5,35, 52, and 46 there.

(4) Men at Lohatbadi and Raikote

Ichhra Singh was interviewed in Lohatbadi and Raikote, in addition to persons who have not been proceeded against, by accused 12, 53, 16, 79, 71, 13, 3, and the Anarkali murderer in November and December.

During January and February he received visits (in some instance *on* several occasions) in connection with the revolution from Amli, the Anarkali murderer, accused 57, 26, 16, 71, 53, 54, 79, 40, 12, 65, 14, 13, and 39.

Sewa Singh, his son, saw in the Gurdwara or in the village, Amli, the Anarkali murderer, accused 16, 26, 65, 13, 14, 79, 12, 71, 3, 59, 53, 57, and 26.

Kartar Kaur, his wife, remembers accused 16; Udham Singh of Hans met Amli, 54, 53, 15, 40, 79, 65, 16, and 12 there; Puran Singh saw the Anarkali murderer, 16, 13, and 3, and Thakur Singh accused 40, 12, and 26.

(5) Men at Lahore

Amar Singh gives the names of the following persons as seen at various of the revolutionists' houses in Lahore from time to time.

Circa 3rd February 1915, at the Gawal Mandi house accused 33, 59, 63, 52, 66 and Chemist.

Circa 5th February 1915, at the Gawal Mandi house, accused 66, 33, 59 and 52.

Circa 11th February 1915, at the Mochi Gate house, accused 46, 27, 50, 52, 29, and at the Gawal Mandi house, 66.

On the 12th February at the Gawal Mandi house, Mula Singh and accused 66 and at the Mochi Gate house, 52 and 27.

On the 14th February at the Mochi Gate house, accused 54, 32, 44, 70, 57, 23 and at the Gawal Mandi one, accused 66, 59, 63, 39, 52 and

33.

On 15th February, at the Mochi Gate house, accused 66, 59, 39, 57, 23, 44, 52, 64, 32, 54, 70, 17 and Kirpal Singh, spy.

On the 17th February, at the same house, accused 70, 57, 44 and 27.

On the 18th February, at the same house, accused 70,27,39,23, 52 and 57.

On the 19th February, at the Mochi Gate house — accused 70, 21, and Kirpal Singh; in the morning at the Gawal Mandi house — 66, 59, Rao, 33, and Sucha Singh, and in the afternoon at the Mochi Gate, 44, 5, 27, and Kirpal Singh.

Mula Singh refers to meeting—

On the 12th February 1915, at the Gawal Mandi house — accused 66, 39, 21, 64, 59, 33, and at the Mochi Gate, Amar Singh 21 and 27.

Liakat Hyat Khan and Ahmad Khan depose to arresting accused 37, 27, 5, 34, 18, 44, and Amar Singh at the Mochi Gate house on 19th February 1915.

Kirpal Singh, spy, saw —

On the 15th February 1915, at the Mochi Gate house, accused 39, 54, Amar Singh, 52, 44, 32, 27, 35, 5, 21, 57, 70, 59, 66, and the Anarkali murderer.

On the 16th February 1915, at the same house, accused 30, Balwant Singh (sowar), 32, 44, 57, 35, 70, 66, 59, and Amar Singh.

On the 19th at the same house prior to the raid, 21, accused Amar Singh 70, 5, 44, 34, 35, 37, 18, and 27, and at the time of arrest 5, 44, 34, 37, 18, 27, and Amar Singh.

On the 11th February Sucha Singh saw in the Mochi Gate house accused 39, 57, 52, 33, 66, and 59; on the 14th February accused 66 and 33 in the Mochi Gate house: on the 17th Amar Singh and 57 at the Mochi Gate house: and Amar Singh. 65, 33 at the Gawal Mandi house.

(6) The Affair at Jhar Sahib

The affair at the Jhar Sahib, which we now proceed to discuss, is an event, which is to some extent, isolated from the other activities of the revolutionists.

As we understand it, we look upon this gathering as a collection of men made with the object of causing trouble somehow or other. We have not sufficient evidence to connect it definitely with any particular

outrage committed or attempted by the revolutionists, but there are indications which point to its being concerned either with a projected attack on the Tarn Taran Treasury, or as a collection of men to take part in the proposed assault on the Ferozepore Arsenal on the 30th November.

However all we can definitely hold is that there was a gathering which was connected with the general movement to wage war, convened with the purpose of considering and perpetrating some outrage or other.

The first witness we have in connection with it is Sardar Ali (p. 219). He, on the 28th November, saw a large gang of men collected at the Jhar Sahib by Lal Singh (49). The gang was being feasted by Lal Singh and his relations. He enquired from Lal Singh and his brother as to what this gang was collected for, and was told they were working against Government and intended to loot treasuries to recover their losses in America. The witness went and informed the Deputy Commissioner, who, it appears sent police down to the spot, who on the 2nd or 3rd December arrested 3 sowars of the 23rd Cavalry with arms, who were enquiring for the Jhar Sahib. Amongst the men collected was Inder Singh (accused 30).

He is borne out by Kapur Singh (p. 223), a witness who, we understand, has since been brutally murdered. He was with Sardar Ali at the time, and he was told by Lal Singh (49) and his brother they were collecting men to attack the Tarn Taran tehsil, and destroy railway lines and they said Ferozepore and Ludhiana people would join. He accompanied Sardar Ali to the Deputy Commissioner.

Bahadur Singh (p. 223) also mentions seeing this gathering, and Lal Singh (49) told him they were going to create a disturbance against Government.

Udham Singh (p. 227) also refer to the Jhar Sahib. He says he was sitting in his baithak at Padri when 3 Sikhs came along from *Mauza* Sursingh enquiring the way to the Jhar Sahib. To his questions they said they were going to meet other returned emigrants there. Udham Singh asked them for news of his father, who was in America, and they told him possibly some of the men at Jhar Sahib could give him some. He went with them, one of them being Inder Singh (30).

At the Jhar Sahib he saw Lal Singh (49) with a number of other men, and Lal Singh asked him to join them next day when a large gathering would take place to talk about the coming mutiny and explained they had chosen Jhar Sahib, because it was an out-of-the way place, and further

said they were collecting arms and bombs.

In this connection we may further note that Mula Singh (p. 95) went to Tarn Taran about the 30th November, and there met at the Gurdwara Jaggat Singh (32), Harnam Singh (23), Lal Singh (49), and Inder Singh (30) who told him there had been a big meeting at Sarhali, near where the Jhar Sahib is situated, which had dispersed for lack of arms.

This brief sketch of the various localities, all centres of the revolutionists visited from time to time by various accused, sufficiently establishes the constant inter-communication among the accused, and shows that the activities, which we will now proceed to discuss, were all part and parcel of one general design. We will see as we proceed to consider the various outrages and preparations for outrages that the accused are constantly overlapping and coming in contact with each other, though naturally the sphere of work allocated to each one is that which was most suitable for him.

III — THE ACTIVITIES OF THE REVOLUTIONISTS

(1) The Movements of Marauding Gangs

We have mentioned in our brief outline that in November and December there were marauding gangs roaming about the central districts of the Province and we propose very briefly to give an account of their proceedings.

The Moga Gang: Jawala Singh tells us (p. 115) that when he parted from Nidhan Singh at Madras, the latter gave him a ticket up-country, and also directed the passengers from the *Mashima Maru* to meet at the shop of Siri Ram at Moga. He first went home, and at Mudir picked up Bakhshish Singh (Ferozeshahr murderer), taking him along to the appointed place. Dhian Singh (Ferozeshahr murderer), Gandha Singh (16) and Dalip Singh first joined them and then Nidhan Singh. Nidhan Singh gave them arms, etc., which he had succeeded in bringing into the country in false bottomed buckets, and then departed for Chuga, telling the others he would send for them when required. These others wandered about aimlessly until Nidhan Singh again met them, and deputed them to receive arms at Mahrana Railway station, which never came.

They again assembled at Siri Ram's shop and this time they were reinforced by Roda Singh (67), Chanda Singh (Ferozeshahr murderer), and Amli, and Nidhan Singh (54) gave them permission to fill in the

time, before the arrangements for a rising were made, by attacking police posts, etc., and suggested raiding the Gidar Baha post. From Moga a gang, consisting of Jawala Singh, Gandha Singh (16), Dhian Singh, Dalip Singh, Roda Singh (67), Kehr Singh, Amli, Wariam Singh 11, Chanda Singh, Bachan Singh and others set out bent on mischief and went to Mudir. The projected assault at Gidar Baha came to nothing. Patiala was visited in a vain effort to get a rifle, and an attempt to commit a dacoity at Bhikhi and other dacoities came to nothing. This gang was armed, and after another projected dacoity at Rajowana was abandoned, the gang proceeded to Nangowal, from whence some went to the house of Nawab Khan at Halwara, and with him proceeded to Badowal on the 23rd November. After the meeting there, they proceeded to Moga, by this time having been reinforced by one Hari Singh, Dhian Singh, Kala Singh (37) and Nidhan Singh, and under the latter's direction, went on the 25th November for the attack on the Mian Mir magazine.

* This attack, as we know, came to nothing, and the gang returned to Ferozepore, under orders of Nidhan Singh and Kartar Singh (39) to arrange to attack the Ferozepore arsenal on the 30th. Full plans were arranged, and to occupy themselves till the 30th, the gang started off for Moga to loot the treasury there. Those who went by road met the Sub-Inspector of Police Basharat Ali and Jawala Singh and murdered them, and the result was that this gang disappeared as an active body.

Nawab Khan's Gang: Nawab Khan tells us in regard to his gang (p. 134), that on the 22nd November Rahmat Ali Khan came to him, also Dalip Singh and another person, (in reality Jawala Singh), saying they belonged to Nidhan Singh's gang and wanted to know where he was. With them were also Chanda Singh and Gandha Singh (16). They told him of their prior wanderings, and he took them to Badowal on the 23rd. After the Badowal meeting these men went off with Nidhan Singh to Moga and he himself went to Saraba to collect a gang for Mian Mir.

He collected Rulia Singh (68), Amar Singh, Jat, Sajjan Singh and others and set off, but was stopped at Ludhiana by news the raid had been abandoned and he despatched the members of his gang, which included three of the Ferozeshahr murderers, to Ferozepore and himself went home. There in a few days he heard of the murder at Ferozeshahr,
* and met Gandha Singh (16), who had escaped after the murder, Nand Singh (53), Bhan Singh (8), and later Rulia Singh (68). He and Gandha Singh went to Waring (Jullundur), and eventually wandered through

Jullundur, Samrala, Phagwara, Harian and Nango Kalan, which they reached on 4th December. Here Kartar Singh joined them and after discussion it was decided to attack railway bridges, and commit dacoities. From Nango Kalan they proceeded to Barobarian, and a gang of 15 men including Kartar Singh, Gandha Singh, Rulia Singh, Nand Singh, Amli, Bir Singh (11), Jaswant Singh (35) and others started out for a dacoity at Bhimwal which came to nothing, and the party broke up into detachments with proposal to collect later to attack certain railway bridges.

These proposals between Kartar Singh and Nawab Khan went on until the middle of December, but they came to nothing, and the gang which had dissolved after the Bhimwal fiasco never again met.

Nand Singh in his confession gives a long account of his wanderings from village to village which we need not follow, but he connects himself with Nawab Khan's gang for a time and particularly with the Bhimwal affair and he describes in some detail how this gang was dissipated and how he himself wandered about for days doing nothing till he went home, where a fortnight after he was taken down to Lohatbadi. and got into touch with the men operating from there.

Sufficient details have been given to show that the returned emigrants at once began to wander about seeking what mischief they could perpetrate, and that the gangs had dissolved as wandering entities by the beginning of December.

(2) The Seduction of Students

Scholarships in America: We will see, when we come to deal with the case of Jawala Singh (36), that he founded scholarships in America and that whatever his original intentions were, the control of these scholarships passed into the hands of Hardial.

That the conspirators did consider it wise to train youths beforehand in their way of thinking is shown by the *Ghadr* itself, the confession of Sohan Singh, and the statement of Ichhra Singh.

The *Ghadr* in its first issue announces that "young men will be brought up as preachers and to prepare for mutiny."

The confession of Sohan Singh (74) shows he tried to induce the recorder to at least persuade young boys to go to America and Germany to receive education and learn how to make arms and dynamite.

Ichhra Singh (p. 254) tells us that Banta Singh urged that they should find boys, send them to America to learn how to make bombs and

guns, so that they would come back and expel the British Government, and Ichhra Singh gave him the name of one Randhir Singh of Narangwal as likely to find suitable boys for him.

In Ludhiana: But whatever may have occurred in America, there is no room for doubt as to what happened in Ludhiana.

Sucha Singh (p. 270) has told us how he was early in November inoculated by Dewa Singh and Kahn Singh with the seditious views of the *Ghadr,* and we will see in other sections how he helped latter to collect materials for bombs, joined in the Mansuran dacoity, helped to reduplicate seditious literature, and was eventually sent on a campaign to seduce troops in Ambala, Meerut and elsewhere. He was only a youth, the son of a loyal soldier, and yet he became, under the influence of the revolutionists, one of their most useful tools, and his room in the Islamia Boarding House became the headquarters of the revolutionists in Ludhiana.

How far the other students, who have given evidence before us - Jaimal Singh, Sher Muhammad, Surti Singh, Abdul Alim, Kapur Singh, Sant Singh, Kartar Singh, Harbhajan Singh, Raghbir Singh and some of the teachers were inoculated we will see gradually. Several of them tell us they were introduced to the *Ghadr* by Dewa Singh and Kahn Singh, others tell us they helped in one way or another by getting together materials for bombs, printing off seditious literature, carrying messages between the revolutionists, taking down-country the news of the rebellion and helping to conceal incriminating evidence.

Three unfortunate youths are in the dock before us - Kharak Singh, Kirpal Singh and Puran Singh, and the extent of their implication will be discussed in due course — here all that need be said is, that they were in several ways dragged into the movement.

There is also one absconding student, Sajjan Singh.

In addition to these, we may mention the cases of Udham Singh of Hans, who was induced to join and wandered about with a marauding gang, and Iqbal Singh, whom Gurmukh Singh (17) tried in vain to seduce.

It is not necessary for us to give here in any detail how these various boys were got at and what they did-we will see how they helped sufficiently where we note their evidence and it is enough for us to indicate that numbers were seduced.

* * *

We saw in the first case how the seduction of students was a policy advocated by the Ghadr. *That advocacy is also in evidence in this case.*

Lohatbadi: We saw also that Ichhra Singh told one of the principal revolutionists that Randhir Singh (the present accused 69). was the sort of man to find students: and he now tells us that Buta Singh (hanged) asked him to enquire from accused 69 if he could nominate anyone to go to the United States of America, and accused 69 said a boy with him (Sundar Singh) was the kind wanted: and the conditions on which he could be sent to the States were expressly explained to the boy.

The evidence we had as to the seduction of students in Ludhiana, previously given by Sucha Singh, Jaimal Singh, and Sher Muhammad, has been repeated now, and the then absconding student Sajjan Singh is now in the dock before us. (SLCC Judgement p. 44)

(3) The Seduction of Villagers

In this short section we propose only to deal with a few instances on record in which the accused attempted to enlist sympathies and activities of the villagers in India in their favour.

Jawala Singh (p. 115) has told us that at Penang, on the *Mashima Maru,* it was decided that the *Lambardars* should be got at not to collect revenue, but we are more concerned with direct incitements.

Ralla, *Lambardar* of Sangwal (p. 193), states that in *Magh,* Banta Singh (6) and Harnam Singh (21) came to his village, and told him not to pay revenue. He also tells us Banta Singh had been establishing societies and advising people to boycott the Courts, to refuse to pay revenue to *Lambardars,* and to rob the latter when going to deposit revenue in the treasuries. Lectures were given in the dharamsala and an attempt was made to raise men to oppose Government.

Inder Singh (p. 194), a pensioner residing in the village, gives similar evidence, Banta Singh (6) advocated a peculiar tax, urging that they should set up a Government of their own. He harangued the villagers against Government along with Harnam Singh (21), and particularly advocated preventing reservists and soldiers on leave from returning to their regiments.

These incidents, we may note, were promptly reported to the police authorities.

Santokh Singh (p. 332) tells us also that in December, Deva Singh (15) spoke to him of the Rakabganj affair, representing it as a piece of tyranny.

A marked case of this sort is deposed to by Kishen Singh (p. 218), *Lambardar* of Kakar. He tells us he was returning to his village, when he sheltered under a canal bridge to escape the rain. To him came Wasawa Singh (81), who told him there was a large body of revolutionists in India and Government. The witness promptly reported the matter to the Deputy Commissioner, who placed the accused on security.

* * *

In our Judgement in the first Conspiracy Case we referred to a few proven instances, showing how some villagers were approached by revolutionists.

In this case we have a number of new cases in evidence: and they serve to illustrate the methods adopted to disturb otherwise contented peasants.

What we have to say in this section cannot cover all cases of seduction of villagers; all we profess to show are the methods alleged to have been adopted in particular instances; and, as we proceed, it will become abundantly apparent that villagers were seduced; partly by the wildest and most extravagant falsehood to the effect that Government was entering on a policy of interfering with religious practices, combined with fantastic stories of the impending collapse of British rule owing to the war, and the establishment of Sikh rule in its place.

Some, who threw in their lot with the revolutionists, were influenced by fanatical excitement; some by cupidity and hopes of loot: and possibly some came in fearing that, if they did not. they would be left behind, when the revolutionists succeeded in their objects.

Sunder Singh (W.G.) (p. 75) tells us that after the Nankana fair (Birth place of Guru Nanak, now in Pakistan — Ed.) *early in November, the revolutionists, there assembled, determined on gaining adherents among villagers. He says Harnam Singh (24) and Thakur Singh (93) went off to Lyallpur to lecture on seditious topics in the Colony'[3]: and he himself went a little later to Dadher to urge on Wasakha Singh (100), the necessity of preparing the villagers for the rising; and he tells as also he met Harnam Singh (24) and Thakur Singh (93) Shortly after, and they told him they had recruited a number of villagers in the Bar and thence they proceeded to Tarn Taran for the Masia fair, with the intention of preaching to villagers en route.*

We will, however, gain a clearer insight into the methods adopted by considering the case of villagers actually seduced, -i.e., cases of witnesses before us, who describe how they were influenced and tried to influence others.

***Natha Singh** (Mahant), p. 92, who became an important helper in the Jhar Sahib affair, tells us Budha Singh (8) and Chanan Singh (W.B.) visited his village in October, dilated on the Budge Budge affair, and told him Sikhs had returned from China and America for* Ghadr, *and that they intended raiding thanas and treasuries to get arms and money. The witness was got round, and promised to join; and was told he would be informed of the date of the rising after a "committee" in Amritsar.*

He also says that, after that, these men again came to him, told him Natha Singh (61) was ready with a large gang, and got his (witness'), promise to raise a gang himself. He was kept up to the mark by a visit from Jagat Singh (L.C.C.); and later by another visit from the same Jagat Singh, Chanan Singh (W.B.) and accused 8 and 73, who discussed Ghadr *with him, and told him they had obtained recruits elsewhere, and were going on to Padri to get more.*

From being a person to be seduced, he had now become an active seducer himself; and he tells us that, before attending a gathering at Amavas in Tarn Tar an, he, with accused 8, 15 and one Dharam Singh, paid visits to Bhure to urge people to be ready, preaching revolution when they got a chance. He tells us of a conversation with Kala Singh, whom he tried to seduce, and how he visited Tarn Taran at Amavas. meeting there accused 8. 15 and 73, with whom he discussed ghadr; and then gives us an account of how the Jhar Sahib gathering originated, and came to nothing.

With the Sarhali affair ending in a fiasco, both Sunder Singh (W.G.) and Natha Singh seem to have had enough of the Ghadr *movement; but there were constant efforts by the leaders to rake them in for further action. Sunder Singh (W.G.) says he was visited by Kala Singh (W. B.), Harnam Singh (L.C.C.), Chanan Singh (W.B.), accused 57 and 67; and he saw Mula Singh at Amritsar. Efforts were made to drag him into the Chabba dacoity; and he was threatened with murder by Chanan Singh (W.B.), Kala Singh (W. B.) and accused 67, if he did not help. Natha Singh says he was visited by Harnam Singh (L.C.C.), Udham Singh (96), Budha Singh (8), Chanan Singh (W.B.), Kala Singh (W.B.) and Prem Singh (67), but he refused to continue his activities.*

***Kala Singh** (approver), who was apparently a contented and satisfied pensioner, until misled by some of the returned emigrants, tells*

us he was first tackled by Budha Singh (8) and Natha Singh (Mahant), himself a recent acquisition to the Ghadr *party, a few days after Dewali. Natha Singh asked him to join in a rising against the British; but he declined at first until he was again tackled by these men, accused 4 and Lal Singh (L.C.C.), when he consented to join through fear - he tells us candidly that he joined, as he feared he would be murdered if he refused to do so, or gave information of what was going on.*

He also tells us how men were sent out to collect others to join in the Jhar Sahib gathering. Banta Singh said 30 or 40 men were coming in from Dadher: Lal Singh said that he had got 12 or 13 and was getting more: while Chanan Singh (W.B.) said he was out for more.

He tells us also Natha Singh told him, in asking him to join, that several men were coming from Canada to start ghadr: and some days after, when he went to the Jhar Sahib, he found a gathering there talking ghadr.

Closely connected with this centre of sedition — Bhure and the Jhar Sahib — is Chanan Singh, son of Lal Singh (L.C.C.), who describes (p. 270) how his father was seduced, by readings from the Ghadr *and by discussions as to the overthrow of the British and the establishment of a Sikh Government.*

***Bogh Singh** (accused 5), in his magisterial confession stated that shortly after Dewali Lal Singh (L.C.C.), Gujar Singh (18) and others visited the Jhar Sahib, of which he is Mahant, and asked him to join in an agitation over the Rakabganj matter, and the supply of water to the Darbar Sahib, and made some references to the Komagata Maru.*

He was then visited by Lal Singh (L.C.C.), Natha Singh (approver) and Budha Singh (8), and told there would be a meeting of Sikhs at the Jhar Sahib. Five days after, Lal Singh (L.C.C.), Kala Singh (approver) and accused 4, came bringing a Ghadr, which was read out; and a decision come to, to carry out whatever was decided at the Jhar Sahib, even if it involved fighting.

***Sundar Singh A.M.:** A very interesting account is given by Sundar Singh (Asa Majra) as to how he was seduced: an account which is probably representative of how many Sikh religious enthusiasts were worked upon, until they were led into a career of desperate crime.*

He is an old cavalryman, who after service settled down eventually buying land in Asa Majra. He joined the "Tat Khalsa", and was one of the original founders of the girls school at Lohatbadi, of which Ichhra Singh

was a prominent organiser, and which was afterwards used as the head-quarters of the revolutionaries acting from that centre. Karm Singh (41), he says, was one of the active participators in founding the school also.

As one of the heads of the Sikhs in Lohatbadi, witness attended a conference at Jullundur: where the affair at Rakabganj was discussed, and one Harchand Singh proposed a resolution, which was not adopted. Some days after, Karm Singh (41) came to him, and told him Harchand Singh was working to get some resolution sent on to the Viceroy; and suggested they should attend a Sikh meeting at Lohatbadi about it. Thither they went, and there he says he met, at a meeting, Ichhra Singh, accused 69, 41, 77, 10, 54, 3, 68 and others.

Resolutions about the Rakabganj affair were passed; and other matters of interest to Sikhs were discussed.

Now this meeting was undoubtedly not seditious; but it does show how the men there were labouring under a very grievous misapprehension as to what had happened in regard to the Rakabganj Gurdwara, and we have to doubt that they were led to think that it was a part of Government policy to interfere with the religious feelings of its subjects. The seed was thus sown for discontent.

Two months later there was another similar meeting at Khanna at the house of Inder Singh attended by witness, accused 41, 10, 69, 3, 77, 31, 54, 68 and others. Similar resolutions were passed, but feeling was now running higher; for witness states that Randhir Singh (69) spoke strongly, and said the British Raj would soon come to an end, as it was interfering with religious institutions.

On the 7th Poh witness went to the Chamkaur Sahib near Rupar, where, he says, were accused 41, 31, 42, 69, 77, 3, 10, Teja Singh (witness), 68, 54 and others. There he asserts Randhir Singh (69), told them a committee had been formed, which had decided, after consulting the Granth Sahib, to "become martyrs " if the Rakabganj were destroyed, and also told them that two men of the Ghadr *party had been to him to get men to join in the coming revolt, and that arms were coming from Bengal; and it was arranged to meet these men at Sirhind. These men did not, however, turn up at the appointed place; and witness went back to Lohatbadi. There Ichhra Singh, approver, spoke of the Ghadr movement, and how Hardial, Bhagwan Singh and Ajit Singh were arranging for a mutiny to expel the British, and would supply arms; and witness was induced to join in the revolutionary movement. Witness*

proceeded to start collecting arms, and a few days later he was visited by Ichhra Singh again. Ichhra Singh said he had seen Gandha Singh (17), who told him of the Ferozeshahr murder; and Ichhra Singh further said the revolution was coming soon, and that under cover of the school, they could help. Witness says Ichhra Singh and he went to Patiala; and, meeting accused 31 and 42, talked revolution to them. From this time on the witness was one of the main helpers in this part of the country, procuring arms, committing dacoities, making bombs, and joining in the party that went down to Ferozepore, to attack the arsenal there on the 19th February.

It is a typical case of a person, originally a respectable citizen, being made a criminal through his religious susceptibilities being worked upon.

We saw in the Lahore Conspiracy Case how Lohatbadi became a centre for revolutionists and how Ichhra Singh was seduced by representation that Government was antagonistic to the Sikh religion. It is unnecessary to trace his case again, all that it is necessary for us to mention here is that he was a friend of Randhir Singh (69), with whom he was in constant communication.

***Bhagat Singh:** Another person who asserts he was seduced into a life oj crime by Randhir Singh (69) is Bhagat Singh; and having been seduced, he became an active instrument in seducing others.*

He tells us (p. 168) that after the Rakabganj affair, Randhir Singh (69) got hold of him; spoke of that matter as an affair of great tyranny; and asked him to devote his oratorical efforts to inducing people to turn against Government, and drive the British out of India. He states he began lecturing, asserting Government was destroying shrines; and that Indians in revenge should destroy churches, police stations, collect arms, and commit dacoities. each and everyone of which is a panacea recommended by the Ghadr *newspaper.*

After the Komagata Maru's return he says that Randhir Singh told him the passengers had been shot down, and oppression was increasing; and, when war broke out, he started spreading the falsehood that Indian troops were being placed in the front while British troops were kept in the rear, and told him also they should await the return of the emigrants, who were coming home, and then rise.

This youth entered heartily into the propagation of sedition. He first obtained a certificate (P. 42) and railway pass (P. 43) from a young recruiting officer, by representing to the latter that he was anxious to help Government in getting recruits; and armed with this, he toured through Rampur, Malaudh, Raipur, Gujarwal and Narangwal.

In his wanderings he says he got into touch with Harnam Singh (23) and found he too was a revolutionist; and he then came across accused 58 and Chanan Singh (W.B.) at accused 69 s house, finding they too were disaffected.

He was in Lohatbadi on the 18th February, where he heard of the projected Ferozepore raid. He joined in this raid and the abortive attack on the Doraha Bridge; and, after these failures, started preaching sedition once more.

The witness kept a diary of his movements from 26th February, making entries therein from memory from 12th February.

After the Doraha fiasco, he says he went to Jagraon, where he tried to seduce one Isher Singh.

He tells us he himself seduced Arjan Singh (2) at the end of February; and visited Daudher, where he met accused (9) and at Dhudike was acquainted with other revolutionists.

He says he discussed making bombs with accused (53) and (65) and went with accused (2) to Jagraon.

He visited Ahmadgarh, promised one Chanan Singh to introduce him to alleged revolutionists at Dhudike; and eventually he went to Daudher, Rumi and Gurusur Kaunke.

He says he attended a fair at Kili on the J 9th March with accused (2), where both delivered inflammatory speeches and recited verses at a Singh Sabha, to the effect that the British Government was oppressing India, that churches should be burnt, and the British extirpated: speeches which were terminated by the Secretary of the local Singh Sabha.

From Kili he states they went to Talwandi and Ghalib: and here again Arjan Singh (2) gave a seditious speech. From Ghalib they passed through Daudher, Ajitwal, Kaunke and Kili; and an attempt to preach at a path at Kaleron failed. A short solitary journey followed, in the course of which witness tried to seduce one Nand Singh at Dhat. Eventually the witness' father got hold of him, and put a stop to his activities.

This long account is corroborated by the witness' diary, and by evidence as to particular instances.

***Bachan Singh** (p. 187) tells us he heard the speeches and recitations at the Kili fair by Bhagat Singh and Arjan Singh (2), in which reference was made to expelling the British, to the Rakabganj and other supposed*

grievances, the speaker telling those who wanted arms to come to him.

The speeches at the Kili fair are also testified to by Harnam Singh (p. 223). He heard Arjan Singh (2) and Bhagat Singh; the burden of the speeches being heavy revenue, the Rakabganj affair and the pay of sepoys: while a song urging the murder of Europeans was recited. The speakers were abruptly stopped by some of the villagers, who had no wish to listen to them.

Similar evidence as to this incident is given by Nihal Singh (p. 224) and Bhagat Singh told him they had preached sedition at Kili; while Nand Singh says he heard from Arjan Singh (approver), and accused (9) that Arjan Singh (2) had preached sedition at that fair: and Mahinder Singh (accused 53) in his confession said he heard of the performance, and he advised other revolutionists not to trust such rash persons further.

Isher Singh (p. 223) and Nand Singh (p. 222) tell us Bhagat Singh did ask them to join in revolution, and murder: and Santa Singh (p. 224) deposes that Bhagat Singh came, trying to seduce him, having been told of him by accused (53), whom he had known in Hong Kong.

Bhola Singh testifies to Arjan Singh (2) and Bhagat Singh making seditious speeches at a bhog at Rumi.

***Arjan Singh:** Another particular case is that of Arjan Singh, approver (p. 100), who had been to some extent inoculated with seditious ideas in Penang, and who came home in January 1915 in company with Chanda Singh (9).*

Some time after arriving home, he states he met Arjan Singh (2), who asked what the Sikhs were going to do in order to restore the Rakabganj Gurdwara. Witness told Arjan Singh men were returning from Canada, who would restore it to its original condition.

Some days later, he asserts, Isher Singh (32) came to him with Rur Singh (L.C.C.), and asked him to join in "national work"; specifying the commission of dacoities, and the purchase of arms for a revolution; and he agreed to help, except in committing dacoities. He tells us that, some time in February, Bhagat Singh, approver, came to him, whom he introduced to Chanda Singh (9), who also agreed to join; and afterwards to Phera Singh (65) at Dhudike.

Later he says accused 53 and 65 came to him at Jagraon, spoke about the aims of the Ghadr party: and later still accused 32 and 98 paid him visits and talked seditiously.

***Nand Singh**, approver (p. 236), who had been in Penang, came*

home in February 1915, and he states Arjan Singh (approver) and Chanda Singh (9) asked him to join the revolutionary party. He refers to a number of seditious interviews with Arjan Singh, approver. Bhagat Singh, accused 2, 53, 65, 32, Banta Singh (W.B.) and 64.

He promised to join the Kapurthala raid, which, however, he did not do.

Another person actually seduced is Bachan Singh of Dhudike (p. 187). He had been in Hong Kong: but returned 5 or 6 years ago: that is, before the Ghadr *movement commenced. In* Maghar *or Poh his relative Pakhar Singh (62) came home from the States, and witness says he visited him with accused 32, reading to him extracts from the Ghadr-di-Gunj, telling him the British were oppressive, and should be expelled from India. He told him of the strength of the party, and the arms they possessed: whereon the witness became an active revolutionist. He tells us of frequent visits to his village by accused 2, 32, 70, 98, 36, Banta Singh (W.B.), Bhagat Singh (approver), Kapur Singh, Buta Singh (hanged), 53 and 65 to see 62, and of constant discussions about mutiny and expelling the British.*

This witness was so far led away as to join in the proposed raid on the Kapurthala treasury in June: and in the Walla Bridge murders.

***Amar Singh II,** approver (p. 240), also tells us how he came to take an active part in revolution. He returned from America, and states that in December 1914 accused 36 came to him, told him Ghadr was about to start: expatiated on Komagata Maru grievances: and informed him men were returning from America for mutiny. The witness at first declined Io join, as he was wanted to commit dacoities. In 'May, however, Jawand Singh (36) looked him up again, and told him the revolution was about to take place, under the directions of Hardial; that the army was ready to join; and on being told arms were coming, he promised to help, and eventually took part in the Kapurthala raid.*

Miscellaneous Witnesses

We have also in addition to the approvers two other witnesses whose names it suffices to mention viz., Ujagar Singh of Thattha Khari (p. 232) and Kundan Singh (p. 257).

Having dealt with the stories of those who have told us how they were seduced, and who seduced others, we may turn for a moment to a more general matter; viz. the alleged propagation of sedition in particular

villages.

Dhudike: *The first village we may refer to is Dhudike. To this village the accused 32, 53, 62, 63, 64, 80 belong; and accused 65 is the local schoolmaster*.

It was in Dhudike that the plot to raid Kapurthala was hatched.

Bhagat Singh (p. 171), Bachan Singh (approver), Arjan Singh (approver), Narain Singh (p. 229) and Narain Singh II, testify to a seditious propaganda in Dhudike in considerable detail, and their evidence is supported by the confessional statements of accused 53, 62, and 80.

We are satisfied as to the existence of a gang at Dhudike and the dangerous nature of it will be apparent when we consider the Kapurthala raid, and the Walla Bridge murders.

Sursingh: *In the Lahore Conspiracy Case we saw that Sursingh supplied many accused. In this case accused 8, 15, 16, 27, 45, 55, 67 and 73 are residents of that village. Khushal Singh, the Zaildar (p. 273), tells us accused 61 lived last winter in Sursingh, and there busied himself in preaching that the Germans were coming, and the British Raj is coming to an end; and advised people not to pay revenue. The advice was so far followed that the witness had, for the being, to make up the revenue himself.*

A detailed account is given us by Fauja Singh (p. 260) of alleged efforts to seduce villagers in Mauza Kakar by accused 16 and 22. Witness promptly told Kishen Singh and Sadhu Singh.

Teja Singh of Kakar (p. 260) gives similar evidence, and Kishen Singh Lambardar (p. 278) and Sadhu Singh *reported in the thana. This report P. 97 A, which Sub-Inspector of Police Syed Ahmad Khan (p. 259) deposes to recording, ended in the arrest of accused 16 and 22 on 24th November 1914 and their internment*.

Thikriwala: *We may refer to another village, Mauza Thikriwala (Gurdaspur)*.

Sohan Lal (p. 280) tells us constant meetings were held in the village in December 1914, and seditious pamphlets read.

Karm Chand, Kaku. Tahl Singh and Gokal Chand give evidence of a similar character; and Jhanda Singh, who admits he was an active seditionist states these seditious gatherings took place at his house, and in the course thereof references to the coming of Germans were made, and Ghadrs *recited*.

Only one accused is directly implicated in this evidence, and we will consider in the individual cases, the arguments of defence counsel in regard to him.

These revolutionists helped the cause by committing dacoities in the Gurdaspur District, which have been disposed of by the regular courts.

Gujarwal: *The last village we need refer to is Gujarwal*.

Sundar Singh A.M. (p. 257) tells us that, at the beginning of February Teja Singh of Samrala came to him with a letter from accused 69 asking him, accused 41, 17, 98, and other desh bhagats to go to Gujarwal. They all went there, going first to the house of the brother of accused 33. At that house they met accused 33, 69, 3, 23, 10, 68, 54, 50, 58, 77 and others, a hundred in all. There was an Akhand path — the prosecution date being 14th February 1916 — and after it was over, witness says, accused 69 held a secret meeting on the roof which was attended by accused 69, 50, 3, 31, 41, 17, 98, 58, 23, 33, witness, and a few others.

Accused 69 opened proceedings by saying the time for action had come, and the troops were ready to rise. He made a small collection and stated the date for the rising would be communicated shortly.

Witness says accused 98 told them of arms procurable, and that the men present agreed to join in the rising. The following day they heard of the arrest of Ichhra Singh, and Narain Singh at Lohatbadi.

Gurbachan Singh (p. 217) testifies to being at the Akhand path at Gujarwal; but gives no evidence in regard to the secret meeting that followed.

Chanan Singh (p. 217) states he also attended the Akhand path at accused 33's house, where he saw accused 78, 69, 23, 59 and others. He was turned out after the bhog; and thereafter he says accused 69 spoke to him, representing that Government was oppressive, and the opportunity of the war should be seized to rise against Government. As the witness was an employer of labour, he was asked to help with men. He says he reported to the police by anonymous letter; and also told Chanan Singh of Sarabha, who made a note of the names. Defence counsel argues that the evidence is unreliable on the ground of enmity — a contention we will deal with in the individual case. He identifies 33, 78, 69, 19 and 23 and mentions 59 and 89, as visitors to accused 33.

Chanan Singh of Saraba (p. 219) corroborates being told by the last witness the names of certain people, who were working against Government. He was assisting the police; and on being told these names,

he wrote them down in his pocket-book P. 45, and reported to the police. The names in P. 45 are those of 78, 33, 23, Jagat Singh (L.C.C.), and others not before us.

Bagga Singh (p. 218) also says he attended the Akhand path at 33 s house, and after bhog, there was a meeting on the roof of some 15 or 16 man, including 78, 33, 69, and 59. He says he overheard 69 asking those present if they were ready to help against the British.

We will see later, in dealing with the Ferozepore raid, that a number of the persons officiating at this Gujarwal Akhand path went on to Dhundari for the 17th February. (SLCC Judgement, pp. 45-51)

(4) The Seduction of Troops

Perhaps the most important step-and it is undoubtedly the most dangerous — taken by the conspirators, in the prosecution of their objects — was the seduction and attempted seduction of troops from their allegiance to His Majesty.

How far that effort succeeded or was attempted we, as a Court, do
* not know. We understand it was of wider extent than has been placed before us.

The prosecution has, and we think very rightly, contented itself with giving us instances, other attempts, we are informed, are being dealt with by court martial. All, however, we can now consider are those instances which have been proved in evidence before us.

Suggestions in the Ghadr

The *Ghadr,* the organ of the conspiracy, places this in the forefront of its programme, and there are frequent references to the subject in its columns, some of which chosen haphazard we mention.

We find among others the following:–

(i) "Go and awake the armies. Why are you sleeping, ye wielders of the swords."

(ii) "You go and fight for the sake of the whites." "You always attack other countries. Why do you not take your own country into your charge?"

(iii) "We fight bearing the flag of the English. This is a matter of great shame."

(iv) "The mutiny party has undertaken to make India free. You have a sufficient number of soldiers. Your brothers are in the army, and there are many reservists and retired soldiers living in the villages."

(v) "If any men of the police or the army come across you, preach your mission to them."

(iv) "Our mean spirited brothers do not give up service, but take it up gladly."

(vii) "The foolish children of India take to service; they are loyal to the bad Government."

(viii) "There are battalions and cavalry consisting of Indians… they have sold themselves merely for Rs. 7."

(ix) "How painful it is the Indian armies do not prepare… to over throw these fellows."

(x) "O soldiers in the army-have you nothing to do with Indians… Have you vowed to live as slaves of the English. …Are your lives worth only Rs. 9 each." "You can extirpate the European… in a moment. …O brave men how long will you remain slaves? Arise and sacrifice yourselves."

(xi) "Let us preach sermons to the armies to the effect that we must kill the Whites and cut them to pieces."

Attempts to seduce en-route to India: The matter was evidently in the minds of the conspirators always for Mula Singh (p. 91) says that in America they used to talk about seducing the army and police, and Nawab Khan (p. 125,129) tells us that in July Barkatulla told him at Oxnard the time had come to go to India and seduce the troops, and that on the *Tosha Maru* the seduction of troops was one of the matters specially resolved on by the committee, while Jawala Singh (p. 15) states that a similar resolution was come to on the *Mashima Maru* and Amar Singh (p. 63) informs us that at the Portland meeting on the 7th August 1914 a mutiny by the army was resolved upon.

From the day they left America to the day they reached India the conspirators attempted *en-route* to seduce the troops stationed at the various ports of call.

Shanghai: At Shanghai Jawala Singh (p. 114) says he heard Gurdit Singh of *Komagata Maru* fame had already sent emissaries to India to seduce the troops and had deputed one Lehna Singh and one Sardara Singh and a *Granthi* to preach sedition and seduce the army.

Hong Kong: Similarly at Hong Kong, Amar Singh tells us (p. 64) that seditious meetings were held in the *Gurdwara,* when the *Korea* and

Mashima Maru arrived there, which were attended by sepoys, and sepoys were told of their grievances at being held up in Hong Kong. The danger became so great there that the officers were compelled to change the lines of the 26th Infantry and we will see later how far this regiment was affected.

Nawab Khan tells us (p. 129) that Sikh sepoys at Hong Kong assured them of their assistance, but they were averse from starting a rebellion there as the Indian Officers were thoroughly loyal, and discouraged revolutionary ideas. The sepoys were urged to refuse to go on active service, and he also tells us (p. 127) that meetings at the *Gurdwara,* which extended over eight days, were attended by Sikh sepoys who had become disaffected.

Singapore: At Singapore, he also tells us (p. 131), he landed and went to the lines of the Malay States Artillery and advised the men not to fight against the Germans, but he was laughed at for his pains, and the next day a number of Sikh sepoys boarded their boat whom Jaggat Ram (31), Parma Nand (57), Jawala Singh (36), Sher Singh (73) and Rur Singh (82) tried in vain to seduce.

Jai Singh, a passenger on the *Tosha Maru,* says (p. 342) at Singapore the leaders and especially Jawala Singh (36) and Sher Singh (73) spoke seditiously to sepoys, who came on board, and asked them to help.

Penang: At Penang, according to Nawab Khan (p. 131), when the *Mashima Maru* and *Tosha Maru* were in port together, they resolved to tamper with the sepoys there and loot the place, because they thought the detention of their ship there was due to a rebellion having started in India, and a party of men consisting of Arjan Singh, the Anarkali murderer, Udham Singh (78), Kesar Singh (43), Mangal Singh (51) and one Ram Singh were deputed to go and see the troops there. They returned saying the sepoys were incensed owing to their not being placed as escort over some German prisoners and were ready to join and it was decided to loot Penang with their help the next day if the ship did not leave. The ship as a matter of fact did leave next day.

Jawala Singh (p. 115) also says the troops at Penang were approached.

Rangoon: Arrived at Rangoon, Nawab Khan (p. 132) states they tried to persuade the sepoys not to go on active service, but here they met with no success.

Proposals in India: The conspirators had not been long in India

before the seduction of troops as a part of the policy cropped up.

Amar Singh tells us (p. 67) that at the Ladowal meeting on the 17th November it was decided that the troops must be preached to in order to seduce them, and in the meeting at the Virpali Dharamsala (p. 69) at the end of December a similar resolve was come to, and one of the objects Rash Behari Bose had in moving to Lahore at the end of January was to make it a centre to seduce the Indian troops from (p. 171).

Mula Singh says (p. 99) that when Rash Behari Bose came to Amritsar in the middle of January he started discussing the subject of seducing troops and on p. 105 he says that in February the same person took on himself to arrange for the co-operation of troops in the Eastern Punjab, while he, Mula Singh, was to arrange for similar action in the west and north.

Nawab Khan (p. 137) states he heard on 5th December that Piara Singh (60) had gone off to frontier stations to seduce the Sikh regiments there, and Sardar Ali (p. 220) says three sowars came to the Jhar Sahib in December with arms where they were arrested by the police.

These pious resolutions took shape in a practical form in anticipation of the rising of the 21st February, and subsequently.

Efforts to seduce in India-Mian Mir

Perhaps the most important was the attempt at Mian Mir.

We will see in the section dealing with the procuring of arms that in November a sepoy in charge of the armoury is said to have been induced to give up the keys, but a far more serious matter was the effort made in February to induce the men of the 23rd Cavalry to join in the rising of the 21st February.

Amar Singh says (p. 74) that Mula Singh told him early in February that Madan Singh (50) who resided in Mian Mir, and Balwant Singh, a sowar in the 23rd Cavalry and a returned emigrant, should be interviewed, and that he should find out from them how many men could be obtained. He went to Mian Mir where he met Balwant Singh who told him some sowars were ready to join if the full plans were disclosed, and he, witness, told Madan Singh to further sound the troops, and Balwant Singh told him he particularly wanted to see Mula Singh.

On the 11th February he with Kirpal Singh (46) and Hirde Ram (27) came into Lahore to tell Madan Singh Mula Singh was coming in the next day, which he did, and on the 12th he, Amar Singh, went to

meet Mula Singh at Madan Singh's. Madan Singh went into the lines and returned with a Sikh sowar who told him some of the men were ready to join if they knew of the plans, and then Mula Singh, Madan Singh and the sowar went on to chose a spot where they could assemble on a fixed day and attack the magazine there.

Amar Singh and Mula Singh went and reported to Rash Behari Bose, Mula Singh suggested some Muhammedan agitators should be sent to Mian Mir to tamper with the Muhammedan squadrons, and Amar Singh asserts (p. 84) he knew some sepoys of his regiment were ready to join.

On this report Rash Behari Bose said the 21st February had been fixed for the rising throughout India, and that the attack on the magazine should take place that day.

Mula Singh on p. 104 refers to the same incident.

He says he sent a message by Hirde Ram (27) to Amar Singh to meet him at Madan Singh's, and the next day he went there and met Amar Singh as arranged. They sent Madan Singh to call Balwant Singh, sowar, but Madan Singh came back with one Lachhman Singh, sowar, and they spoke to him telling him the success of the movement depended on the Indian troops. Lachhman Singh told Madan Singh that he was ready to join in the mutiny and wanted to know when the rising would take place, and assured him of the co-operation of many men. A place was then selected for a large gathering on the day to be chosen for the rising, and then he and Amar Singh went to Lahore and reported to Rash Behari Bose, in the presence of Kartar Singh (39), Harnam Singh (21), Ram Saran Das (64) Pingley (59) and Jamna Das (33), who there upon fixed the 21st February for the rising.

Both these witnesses also say that *en-route* from Mian Mir to Lahore they went with Madan Singh for a perfectly innocent purpose to the office of the *Khalsa Akhbar;* this incident is admitted by Madan Singh (p. 399), and the manager of that press Mul Singh (p. 174) also corroborates it.

Kala Singh (p. 176) also speaks of having seen Amar Singh, and another man at Madan Singh's, but gives us no information as to what took place between them.

Kirpal Singh (p. 186) tells us that after Mula Singh's arrest, when he was accepted to fill Mula Singh's place, he was directed on the 15th February to get men from the 23rd Cavalry for the rising. He left with the ostensible purpose of going to Mian Mir, but he went to the Railway

station to meet the police whom he had that day wired for from Amritsar. He was there seen by Nidhan Singh (54) and Mathra Singh (52), and it was this fact that led to his being suspected and the date for the rising being advanced to the 19th February.

He returned to the house in Lahore, and deluded the conspirators by telling them bayonets were ready and rifles would be obtained the day before the 21st.

He went off then to Amritsar and Dhadhir, returning to Lahore on the 19th where he heard the day of the rising had been changed, and he was told to go to Mian Mir, but suspecting this was a ruse to get him killed, he called in the police who raided the house, — a raid which resulted in the collapse of the whole movement.

Liakat Hyat Khan (p. 151) tells us the spy told him on the 19th, just before the raid, that the date had been expedited and that a large mob was going to Mian Mir to attack the cantonments that night.

Amar Singh (p. 78) also tells us that on the 17th Balwant Singh, sowar, and Sajjan Singh were sent to Mian Mir to sound the troops there and on the 18th Sajjan Singh reported men were ready, but after the date was advanced to the 19th he reported the Mian Mir sepoys said the time was too short.

* * *

23rd Cavalry

We were not acquainted in that case with all that took place in the 23rd Cavalry at Lahore Cantonments; and this is particularly the case in regard to what happened in November.

It is now our duty to consider the evidence regarding the seduction of several men in the 23rd Cavalry; some of whom have been executed after trial by Court-Martial, and some of whom are at present before us.

There are three main incidents connected with this regiment, over and above the means adopted to seduce men; and with these, though historically connected, we will deal separately at as short a length as is consistent with clarity.

These events are the connection of sowars of the regiment with the affair at the Jhar Sahib; the proposed rising of the 19th February; and the bombs at Nowgong.

In the section dealing with the Jhar Sahib affair, we have seen that

sowars were expected to join; and we have now to find out why they were expected.

In regard to this matter one of the most important witnesses is Mul Singh erstwhile the Granthi of the 23rd Cavalry. This witness states that in 1914 he found a good deal of disaffection in the regiment, due to the returned Komagata *men having been preaching in the villages, from which the regiment drew a number of sowars. Letters, he says, were received also from America; and wild stories were current about Germany.*

In November, a Lance Daffadar Lachhman Singh told him the 17th was going to be a memorable day in India; and later, that there was to be a great gathering on the 23rd at Jhar Sahib to start a rising. As we know nothing happened on 23rd; and we know also that the troops did not move on the 26th. (SLCC Judgement p. 52)

We have seen that Mula Singh has told us that Rash Behari told him he would make certain arrangements in regard to the participation of troops for the rising in the east while he, Mula Singh, was to make arrangements in the west and north.

We may briefly refer to some of the arrangements made by different men in the Punjab and then discuss the steps taken in Ambala and down country.

Jullundur: Mula Singh (p. 99) tells us that at the end of January Hirde Ram (27) was sent to Jullundur to sound the regiments there, and he returned in a few days saying that Dogras and other sepoys were ready to join.

Bannu and Kohat: He also tells us (p. 99) that Harnam Singh (23) was sent to Bannu with Sant Gulab Singh to prepare the troops there and he returned (p. 100) saying men of the 35th Sikhs had promised to join on their transfer to Rawalpindi.

That Harnam Singh (23) did go to Bannu is also proved by the evidence of Sant Gulab Singh (p. 199) and it is also proved by that witness that on arrival at Bannu Harnam Singh went straight to cantonments.

Nawab Khan (p. 137) states he was told in December Piara Singh (60) had gone to Kohat to stir up disaffection among the troops at Kohat.

Rawalpindi, Nowshera, Peshawar, Jhelum and Hoti Mardan: Mula Singh also tells us (p. 100) that when Harnam Singh returned from Bannu he despatched him with the same object to Rawalpindi, Nowshera and Peshawar.

He also tells us (p. 104) that he sent Nidhan Singh to Rawalpindi to seduce the troops there, and he says further that about the 8th or 9th February Udham Singh of Waring and Gurmukh Singh (17) came from Rawalpindi with the news that the Indian troops in Jhelum, Rawalpindi, Hoti Mardan and Peshawar were ready to revolt and only awaited the fixing of a day to rise.

He also says he was informed (p. 105) that Mathra Singh (52) had been sent to the frontier to seduce the troops there. A visit of Nidhan Singh to Rawalpindi is further corroborated by Kirpal Singh, for he tells us that on the 15th February Nidhan Singh (54) and Mathra Singh (52) were sent to Jhelum, Rawalpindi and the frontier to intimate to the troops there the fact that the 21st had been fixed for the rising, and he met Nidhan Singh and Mathra Singh at the Railway Station that evening. This matter is further evidenced by Amar Singh (p. 77) who says that on the 15th February Nidhan Singh (54), Gurmukh Singh (17), and Harnam Singh (23), were sent to the troops at Rawalpindi, Jhelum and Hoti Mardan to start local risings on hearing of the Lahore rising on the 21st and on the 18th Mathra Singh and Harnam Singh were sent to Jhelum to tell the troops of the altered date, while Parma Nand (57) was sent to Peshawar.

Mula Singh (p. 104) also tells us that Jawand Singh (35) was sent to Kapurthala to find how many Cavalrymen there would join.

Ferozepore: An important attempt was made at Ferozepore to induce the troops there to join.

Amar Singh says (p. 77) that when other emissaries were sent out on the 15th February Kartar Singh and Sajjan Singh were deputed to go to Ferozepore. On the 18th Kartar Singh came in with news and said he was returning to arrange for the rising on the 21st. He was then told the rising had been expedited to the 19th owing to suspicions regarding Kirpal Singh and he at once set off for Ferozepore.

That Kartar Singh had prior to this been attempting to seduce troops in Ferozepore is proved by Mula Singh. He tells us (p. 96) that in January Kartar Singh went to Ferozepore to sound troops and returned telling him the troops were ready to join in a mutiny if a date was fixed, and he also informs us (p. 97-98) that Kartar Singh made another visit to Ferozepore that month, and returned with full details of the numbers ready to join.

In Ferozepore the Depot of the 26th Punjab Infantry is situated. We have already seen from the statements of Amar Singh and Nawab Khan

that the conspirators at Hong Kong had tampered with men of this regiment there. The regiment had apparently been also got at to some extent by means of seditious literature from America.

Jamadar Buta Singh (p. 350) tells us that at the end of 1913 and beginning of 1914, the General had been compelled to forbid troops to visit the *Gurdwara* there, but notwithstanding that, certain men named visited the place. Eventually in June 1914 some of the men were returned to the depot at Ferozepore because it was thought desirable to separate them from the rest of the regiment. He himself came back in charge of them and in order to recruit men and he returned to the depot in November 1914.

In January 1915 he found a suspicious person in the lines, and on his report to Captain Cargill, orders were issued that no emigrants were to be allowed in lines. He also made enquiries and found that Kartar Singh (39) was in the habit of visiting the lines and tempering with certain of the men, including those returned from Hong Kong, and he ascertained that there were several men imbued with the idea of mutiny. The result of his report was that on 19th February a number of men were expelled from the regiment. The very next day he heard some of these expelled men had returned to lines and one was actually caught with a *chhavi*.

Captain Cargill (p. 351), the officer in charge of the depot, gives corroborative evidence as to the return of men from Hong Kong. He also states that he heard of seditious meetings being held in lines and as a result of his reports, the General discharged certain affected men on the 19th February. These men were marched to the railway station and seen off in the train, yet the next day one of these men was found in lines with a *chhavi* and arrested.

Bhan Singh, sepoy of the same regiment (p. 352), tells us he was told by Jamadar Buta Singh to make enquiries and he found Kartar Singh (39) had been holding meetings in the lines and Subedar Mawaz Khan (p. 352) deposes to having seen the discharged sepoys off by train on the 19th February including the man found in lines next day; others were reported to have come in, but no others were caught.

* * *

26th Punjabis

The second important matter in connection with the seduction of troops, on which we have much new evidence, is concerned with the 26th Panjabis.

We will see, in due course, that part of the design of the revolutionists was to attack the Ferozepore arsenal on the 19th February, in conjunction with sepoys seduced from their allegiance; and that a large body of men did go down to Ferozepore on that date with that object, but were prevented from doing any thing, owing to the discovery of some facts by the Military authorities. We propose now to discuss the evidence showing how these sepoys were seduced.

The regiment mainly concerned was the 26th Infantry.

In Hongkong: This regiment was in Hong Kong in 1912-13-14. S. Hakim Singh, retired Subedar, deposes that in the summer of 1914 sedition was so openly preached in the Gurdwara; that sepoys had to be stopped going there; and Subedar Mula Singh of the 25th, Panjabis gives similar evidence; and Jamadar Buta Singh (p. 207) states that in 1913-14 lectures were delivered in the Gurdwara, which resulted in that place being put out of bounds. Witness asserts that the accused 46, 66, 26 and Khushal Singh, Isher Singh, Labh Singh (48), Maghar Singh and Teja Singh, witness, however, continued their seditious tendencies, until they were eventually returned to India in June.

In Ferozepore: The depot was removed from Karachi to Ferozepore; and on the occasion of the Lieutenant-Governor's visit there, in the beginning of 1915, certain doubtful characters were found in lines; and, on a report being made, Captain Cargill gave orders for investigation. The result was that Bhan Singh, sepoy, gave information that Kartar Singh (L.C.C.) had been in lines, and holding meetings at which the men above mentioned attended, and that Harnam Singh (26) told him a number of men were ready to mutiny. The upshot was that these men were discharged; and five of them were marched on the 19th February to the railway station, and despatched to their homes. Next morning Labh Singh (48) was, nevertheless, found wandering about in lines; and, when arrested, he had a chhavi handle in his possession the blade having been taken from him by an Afridi of the regiment. It was ascertained that others had also been near lines, but no one was found.

Captain Cargill (p. 200), the Officer in charge of the depot, testifies also to the return of disaffected men from Hong Kong, including 46, 26, 66, 48, and Teja Singh, with a view to their discharge. Their discharge was refused by the General Officer Commanding, Karachi, and most of these men went with the depot to Ferozepore in November. The witness

tells us that in February he heard of seditious gatherings in the regiment, which he reported to the General; and, as a result of enquiries made through Jamadar Buta Singh, which showed a stranger had been visiting lines, these men and 3 others (Isher Singh, Khushal Singh and Magher Singh) were discharged on the 19th February, and 5 of them seen off from the station. Next morning, accused 48 was arrested in lines with a chhavi and witness ascertained others had also been near lines.

Subedar Mawaz Khan (p. 211) also tells us that he saw accused 66, 48, 46, Khushal Singh and Magher Singh off from the station; and that next morning 48 was found in lines; and Inspector Lamacroft (p. 266) also deposes to the arrest of accused 48.

Sepoy Bhan Singh (p. 21) testifies that he learnt from accused 48, that Kartar Singh had been in lines; and that accused 26, 66, 46, Teja Singh, Magher Singh and Khushal Singh were ready to mutiny; and he informed Jamadar Buta Singh. He states that on the 20th he met Labh Singh (48) in lines; who told him he had returned to murder Captain Cargill and Jamadar Buta Singh; and that accused 66, 46, and Khushal Singh had come with him for the same purpose. He saw three men at a distance, too far off to recognize; and, after warning the Jamadar, the latter turned out a party to search, the result of which was that accused 48 was arrested in lines with a chhavi.

Mohan Singh (p. 212), the regimental mistri, says he remembers the return of these men from Hong Kong; and he also remembers one day, seeing accused 26 and 2 men (one being apparently Banta Singh, the Walla Bridge murderer), who had previously asked him where accused 26 was, in his quarters; and he promptly turned them out.

Teja Singh, one of the men implicated, who was accused before us, has been granted a pardon by us, and he tells us (p. 286 et seq), that while in Hong Kong in 1914, Kirpa Singh (46), who was in receipt of Ghadr papers from America, ***succeeded in seducing himself*** *(sic.), accused 66, 48, 26, and others; and that there were frequent seditious gatherings at the Gurdwara. He also asserts that the witness Jamadar Buta Singh was an active seditionist; and describes how the mutinous tendencies of certain sepoys increased, with the result that several were returned to India. When at Ferozepore, he states Buta Singh supplied accused 46 with Ghadrs; and soon after accused 46 introduced him to a stranger, who was a returned emigrant. He states the manufacture of bombs was discussed in the regiment; and there were constant seditious*

visitors to Jamadar Buta Singh and Kirpa Singh (46). On one occasion there was a meeting at the hospital, attended by two strangers, apparently Pingley and Kartar Singh, where directions were given for the manufacture of bombs; and they were then informed the date for the rising would soon be fixed, and Jamadar Buta Singh promised the regiment would be ready in time. The witness went on leave on the 10th February; and before his return he got orders of discharge. He states accused 26 and 48 were fully implicated.

How the leaders of the revolution kept in touch with these disaffected sepoys is related by Anokh Singh (p. 244 et seq). Anokh Singh is a student, who was attached to Kartar Singh (L.C.C.), as a messenger. He tells us that he went with Kartar Singh to Ferozepore, somewhere about the 17th or 18th February; and en route went to see Randhir Singh (69), telling him he already knew disaffected sepoys in Ferozepore, who had been returned from Hong Kong. At Ferozepore they went to the hospital, where they saw Kirpa Singh (46); and the latter brought accused 48 and 66. The purport of the visit was explained, and they were told the rising had been fixed for the 19th. Labh Singh promised to get the keys of the armoury, and Phuman Singh offered himself as a guide to some of the lines. Ghadr *were given them to distribute. The following morning, at the station, they saw the discharged sepoys being entrained; and they were given a message from Kartar Singh to return that night. That evening they met Kirpa Singh near the station, who told them how he had come back, and he was employed that night in conducting parties of revolutionists from the station, and in finding out for the raiders what was going on in the lines. The following morning i.e., on the 20th, he saw both accused 46 and 48 in Ferozepore.*

The return of Kirpa Singh (46) is indirectly corroborated by Gurdit Singh (p. 290). As we saw, he was booked home on the 19th from Ferozepore; but he appears to have got out at Ferozeshahr, for witness, who is a luggage clerk at Phagwara, proves that Kirpa Singh booked his bedding from Ferozeshahr, under R.R. (p. 111) to Phagwara on the 19th, and took delivery on the 20th.

Madho Singh (p. 352) was Head Clerk of the Depot of the 26th Punjabis, when accused 48, 46, 66, 26, Teja Singh and others were sent back to Karachi. His evidence is that they came back in a disaffected state; and when, in October, new drafts were being sent to Hong Kong, they incited men not to go.

He corroborates Mohan Singh (regimental mistri) in saying that on January 18th or 19th he saw two suspicious persons in 26 s quarters, and at once informed Captain Cargill.

As in the Lahore conspiracy case, we have the evidence of Amar Singh, showing how Kartar Singh was the go-between between the head-quarters of the revolutionists and the Ferozepore troops; and there can be no question that a number of men of the 26th Infantry had been tampered with in Hong Kong; and in India were expected to take a prominent part in the rising of the 19th February. How far the evidence establishes the guilt of particular accused men of this regiment we will see in the individual cases.

***Enlistments for tamperings:** Before referring to evidence common to this case and the first conspiracy Case, we may note new evidence showing that in order to seduce troops men deliberately enlisted to tamper with sepoys.*

Balwant Singh, sowar, admittedly joined the 23rd Calvary, with the express purpose of trying to seduce troops.

Ganda Singh (p. 119) tells us Balwant Singh told him that was his object in enlisting. Puran Singh his brother (p. 121) gives us the same information. So too does Wasawa Singh, who was actually seduced from his allegiance by this man; and Balwant Singh (p. 141) states clearly, that that was his object.

Similarly, Acchar Singh (p. 148) states that, when he was at the recruiting office, he met Ujagar Singh and Thakur Singh (93), waiting to enlist in the 22nd Cavalry; and he heard Thakur Singh tell Ujagar Singh that he had returned from abroad with other emigrants, with the intention of causing a revolution; and that he was enlisting with the express object in view of furthering mutiny in the regiment he joined. This witness, after enlistment in the 23rd, also heard Balwant Singh and Banta Singh enlisted in order to raise a rebellion.

Common evidence in Lahore Conspiracy Case: This concludes the new evidence; but it is also necessary for us to note that we have the same evidence, as in the Lahore, Conspiracy Case, proving seductions in Jullundur, Bannu, Kohat, Rawalpindi, Peshawar and elsewhere; and we have also the same account of Sucha Singh s peregrinations in Meerut, Agra, Cawnpur, Allahabad, Benaras, Fyzabad, Lucknow and Ambala, seducing men and preparing them for the 19th February; and the later incident of the 23rd March, when Pingley was arrested with bombs in the

lines of the 12th Cavalry at Meerut.

It is not necessary for us to do more than note the fact that we have that evidence; and that the additional evidence we have now confirms us in the view we then took in regard to the seduction of troops. (SLCC Judgement p. 63-65)

Maula Bakhsh, Head Constable, says (p. 355) that on the evening of the 19th February while coming in from Ludhiana to Ferozepore he saw a gang of some 20 suspicious characters alight at cantonment station, and he at once reported to the Inspector.

Mr. Lamacroft, Inspector (p. 353), deposes to receiving this information and to having at once taken precautions, to the patrolling of the station by Territorials that night, and to searching for the men.

He deposes also to the arrest of the discharged sepoy in lines.

Sucha Singh (p. 281) says he was told by Udham Singh (77) that on the 19th February 50 or 60 men had gone down to Ferozepore to begin the mutiny, that some men had been discharged that day from the affected regiment, and that the meeting in Ferozepore had failed owing to the Territorials being out on patrol duty.

Udham Singh of Hans (p. 306) says that he was asked by Uttam Singh (79) to go down to Ferozepore on the 19th February to help in the expected rising. He says he did go for that purpose, and among others saw Buta Singh (12), Gandha Singh (16) and Sundar Singh of Patiala there.

They were told that a Havaldar had been arrested and some sepoys discharged.

Umrao Singh (p. 339) says that on the 17th he was asked by his cousin to go to Ferozepore to join in the attack on the arsenal there, proposed for the 19th.

We have here very full and complete accounts of what occurred in Ferozepore.

We have also a very full account of the attempts made to seduce troops to rise on the 21st down country.

Sucha Singh's peregrinations: Amar Singh tells us (p. 77) that on the 15th February Pingley (59) was sent by Rash Behari Bose in the direction of Meerut and Ambala. We have seen too that Rash Behari Bose took on himself the seduction of troops in the East and down country.

The agent he selected for this was Sucha Singh, the Ludhiana student. This misguided youth gives us a long account of his efforts.

Meerut: He states (p. 227) that about the 2nd February he saw Rash Behari Bose in Amritsar, and he was asked to help the movement by tampering with troops, to which he assented. He started off with Kartar Singh (39) and went to Ludhiana, got 3 days leave, and asked Dalip Singh to go with them, as he knew English. Dalip Singh declined. From there Kartar Singh and he proceeded to Meerut where they were joined by Pingley about the 3rd February. They proceeded to Cantonments and eventually met Phula Singh of the 128th Pioneers -a man who has since been executed under order of court martial. This unfortunate man was spoken to and seditious passages from the *Ghadr* read out to him. He asked for the *Ghadr* and told Kartar Singh (39) he would talk to the Havaldar.

Agra, Cawnpore: The next day they visited the lines of the 12th Cavalry, which was, however, on manoeuvers and got into touch with one Ishar Singh, sowar (also subsequently hanged) and others. They then went to the lines of the 128th Pioneers, where they again met Phula Singh, who told them the Havaldar wanted to know how many men were ready to join. He was told 11,000 men were prepared to rise, and he appeared satisfied. They then returned to Ishar Singh and told him they would come again, and Pingley, Kartar Singh and Sucha Singh proceeded to Agra on the 4th February finding no Sikh regiments there they went on to Cawnpore on the 5th February. Kartar Singh and witness proceeded to the lines of an Infantry regiment, where they interviewed two sepoys who seemed too frightened to join, and then they went to the lines of another Infantry regiment, where Kartar Singh spoke to several sepoys. They met with some encouragement here, but the sepoys seemed to take fright later.

Allahabad: From there they proceeded on the 6th to Allahabad where they visited both the Cavalry and Infantry lines. In the Cavalry lines they met with no success, but in the Infantry lines secured the cooperation of a Havaldar.

Benaras: From Allahabad they proceeded the same day to Benaras where they met Rao and a Bengali. Dinapur was spoken of as a likely place to get men as there was a Sikh regiment there and Kartar Singh and the Bengali went to cantonments returning with a Rajput who was induced to join and deputed to go Agra to preach to the Rajput regiment there.

Fyzabad: From there, under directions of Kartar Singh, Sucha Singh proceeded to Fyzabad on the 8th February arranging to meet Kartar

Singh at Lucknow. At Fyzabad a Havaldar agreed to join; he was promised seditious literature, and told the date for the rising would be communicated to him.

Lucknow: From Fyzabad he went on to Lucknow, where he met Kartar Singh (39) and Pingley (59). Kartar Singh went to the lines of the 16th Cavalry, but found the regiment had gone on field service, and then Kartar Singh and Pingley left for Delhi. On the 10th February Sucha Singh went to the quarter-guard of an Infantry regiment, but was promptly turned out when he started talking sedition and he proceeded to the railway station. Waiting at the station he tried to employ his time by talking sedition to a policeman. He eventually reached Lahore on the 11th February where he again met Pingley (59), Kartar Singh (39) Parma Nand (57), Mathra Singh (52), Jamna Das (33) and Rash Behari Bose (66), to the latter of whom he made a report.

He went to Ludhiana for three days and returned to Lahore on the 14th. Pingley (59) saw him at Ludhiana *en route* for down country

Ambala: After seeing Rash Behari Bose on the 14th the witness returned to Ludhiana and on the 15th he started out for Ambala. At Ambala he induced one Ujagar Singh to go with him to the lines of the IX Hudson's Horse in which regiment the witness' father was at the time serving — we understand with distinction as a Dafadar in France; they enlisted the assistance of Narindra Singh, a regimental clerk, who agreed to help in propagating sedition in the regiment.

Lahore: The witness returned to Ludhiana and on the 17th February he went to Lahore, Kartar Singh telling him the rising had been fixed for the 19th and that he, witness, was required to go to Meerut or Fyzabad to spread the news. In Lahore at the Gawal Mandi house he met Rash Behari Bose, Parma Nand (57) and Amar Singh. He told the first named all about the Fyzabad *Havaldar* Harnam Singh, and he himself at his own request was sent to Ambala with a "Proclamation of War" and with orders to hoist the revolutionary flag on receiving news of the outbreak in Lahore. He was given instructions that as soon as the news was received the British regiments were to be massacred, a republic proclaimed and that he was to dispatch 100 sowars to Lahore and proceed himself with the rest to Delhi.

Ambala: He went to Ludhiana and ordered Sajjan Singh to go to Havaldar Harnam Singh at Fyzabad while he proceeded to Ambala. At Ambala he gave instructions as to what was to be done to Ujagar Singh

and Narindra Singh. While with Narindra Singh an old Sikh Jamadar came in who, hearing of the proposed mutiny, told him the Ambala Depot was alone enough to squash it.

Meerut: From Ambala he hastened to Meerut and saw Ishar Singh of the 12th Cavalry and others, whom he told that the rising would take place on receiving news of the outbreak at Lahore that day.

He heard then Surti Singh was there with Pingley who was going on to Cawnpore.

On the 20th he went to the 128th Pioneers and met Phula Singh explaining to him and another sepoy that news of the rising in Lahore must have been delayed owing to communications having been cut.

On the 21st, after again seeing Ishar Singh, he realized the rising had failed and hastened back to Ludhiana, where he tried to remove all traces of his connection with the affair: and he was arrested on the 23rd.

We naturally cannot get detailed corroboration of this story from men tampered with, for the simple reason that every soldier hearing of a proposed mutiny, who did not at once disclose the fact to his officers, is under military law liable to a death sentence, whether he took part in or consented to take part in a rising or not.

Still there are several points, which are corroborated.

Colonel Humphreys of the 12th Cavalry tells us (p. 238) he knew Sucha Singh had been in the lines; he was related to men in the regiment and played in a hockey match in lines on the 20th or 21st February and Major Tahourdin of the same regiment says he heard in February of the revolutionists in the regiment, and steps were taken to find out who were implicated.

Surti Singh (p. 298) says that he accompanied Pingley (59) to Meerut on the night of the 18th February and under orders gave flags and instructions to the sepoy Ishar Singh and then returned to Ludhiana.

Jaimal Singh (p. 293) says Pingley asked him to go to Meerut with him, but he declined to go, and Surti Singh went returning next day, saying he had given flags to a sepoy.

Jamadar Bhola Singh of IX Hudson's Horse saw Sucha Singh in the lines at Ambala, and he gave him a sound talking to when he said the returned emigrants were going to cause a rising.

Mr. Scott O'Connor, Superintendent of Police, Benaras (p. 392), gives evidence to identification parade at Benaras of some 700 men of various Rajput regiments in which Sucha Singh picked out Dila Singh,

Naik, as having been the person he got into communication with in Benaras, and Manzur Hassan (p. 392) testifies to Dila Singh having told him of a Bengali coming to him and asking him to join in the rebellion, and of his, Dila Singh, having promised 200 or 300 men with rifles.

Mr. Denham of the C.I.D. tells us (p. 356) he verified the statement made by Sucha Singh as to his movements in Benaras, Lucknow, Fyzabad and Agra, and found the details as to description of locality, &c, accurate and Dalip Singh, *Granthi* of the 9th Bhopal Infantry, Fyzabad, remembers (p. 356) Sucha Singh coming and talking to Ch. Harnam Singh in whose house Mr. Denham subsequently found an *Ilan-i-Jung* and portions of a flag.

There are two other incidents of the seduction of troops which, though commenced long before the professed rising, matured later.

The Affair at Meerut: The one is the attempt on the troops of the 12th Cavalry at Meerut.

We have already seen that attempts were made with success to induce men of that regiment to join in a rising on the 21st and we will also see that bombs were introduced into the lines by Pingley who was arrested on the 23rd March.

We also know that two men of the regiment have been hanged, and all that we need now to note are some additional points in Nadir Khan Jamadar's evidence.

He tells us (p. 268) that he heard from Amar Singh, Bugler, of the visit of Sucha Singh, Kartar Singh and Pingley in February, and he states he received from him seditious pamphlets intended for distribution. He also states he was introduced to Pingley by Ishar Singh and professed his readiness to join in the mutiny, promising 50 men. Pingley told him he had 300 men in Ferozepore and several in other places also, and that the date of the rising would be fixed later. He was told the Meerut men were to murder their officers on the night of the rising and to massacre the British troops while asleep.

He then pretended to fall in with the design and as we will see got Pingley to bring bombs from Benaras and had him arrested.

Chak No. 5: The other incident relates to Chak No. 5 near Sargodha where there is a Cavalry run belonging to the 22nd Cavalry. Mula Singh says (p. 104) he gave Jaggat Singh (32) Rs. 20 to go to Sargodha to prepare the Cavalry for co-operation with them, especially as horses might be procured there.

Rajindra Singh, a sowar, tells us (190) that Jaggat Singh was once in the regiment and that he saw him on the 10th February in the Chak, when he told him 4,000 men had come from America to start a revolution and that Amritsar was the head-quarters. He turned him out and informed his Resaldar.

Jaggat Singh came again on 2nd March with two other men and they were all three arrested.

Bhagat Singh, sowar (p. 198) gives similar evidence, as also does Bhagat Singh, *mistri* (p. 181), and he identifies Kartar Singh (39) and Harnam Singh (21) as Jaggat Singh's companions on the second occasion.

Ganda Singh, Resaldar, states (p. 181) that on 21st February while at Lyallpur, Rajindra Singh reported Jaggat Singh's visit to him. He informed his Commanding Officer the same day and also the Superintendent of Police, Sargodha, on the 28th February, and he also testifies to the arrest of Jaggat Singh, Harnam Singh and Kartar Singh when they came on the 2nd March. The arrest also is testified to by Kalyan Singh (p. 181) and Sadr Din, Sub-Inspector of Police, who adds that on arrest the three of them harangued the on-lookers urging them to rise.

The Maps: Before closing this portion of our judgment there is one small matter, which must be referred to, and that is the discovery of maps, apparently intended to facilitate the conspirators in their designs to seduce troops.

Ahmad Khan tells us (p. 158) that on the search of the Gawal Mandi house on 22nd February he found a map of Delhi (P. 110 B) and one of Lahore (P. 1 IOC) and in addition an Atlas (P. 110 A) out of which pages 11 and 12 were missing. On the arrest of Parma Hand (57) the missing pages were found on him, the maps being of the Punjab and India.

On the Punjab map the Cantonments of Rawalpindi, Peshawar, Ferozepore, Multan, Lahore and Amritsar were marked with a cross, and on the map of India, Burdwan, Delhi, Monghyr, Ajmere and Balasar were underlined.

Parma Nand (57) admits (p. 382) the discovery on him, and says the maps were given to him by Amar Singh.

Conclusion

This evidence leaves no possible room for doubt that the incitement to the troops to foreswear their allegiance and join in the insurrection was a part of the programme from the earliest times. There is also no

doubt that frantic efforts were made in all sorts of places to induce troops to join and in some places with success, and a rising of a serious nature seems only to have been averted by the raid of the 19th, which robbed the revolutionists of their head quarters, and scattered their leaders.

(5) The Use and Distribution of Seditious Literature

The Ghadr: The principal seditious literature employed by the revolutionists was the *Ghadr* newspaper itself, with its motto *Ghadr hamara nam our kam.* The nature of this paper has already been sufficiently discussed; we have also seen how it was distributed in America and the Far East, and it remains for us now to consider its distribution and the distribution of other seditious literature in India.

There are two reprints from the *Ghadr*. The *Ghadr-di-Gunj* and the *Ghadr Sandesa* (some times called the *Paigam-i-Ghadr),* both consisting of poems of a highly inflammatory character taken in the main from the *Ghadr*.

The *Ghadr* itself makes a special point of the distribution of literature.

"It is necessary," it says "to start newspapers, to publish books to distribute them among all the brothers and to send them secretly to our native land."

"We should send the *Ghadr* to our native country in lakhs. We will print newspapers and books and send them to India."

"The paper should be sent to India wrapped in envelopes like letters."

"Every soldier of the proposed mutiny… should send each and every issue… to India."

The methods adopted to introduce the *Ghadr* into India were no doubt various. We have seen there were copies used on board ship, and no doubt many copies were sent by post. One interesting method is testified to by Mr. Petrie (p. 329) and Mr. Clements (p. 235), who found in Kashi Ram's box (which we will deal with fully in the section dealing with the importation of arms) 2 copies of the *Ghadr-di-Gunj* in Gurmukhi and a number of Urdu copies, and issues of the *Ghadr* (P. 190 C.D.)

But in addition to importation from abroad the revolutionists in India set to work to reproduce copies either by lithograph or by hand writing.

Written Copies: It appears that a number of *Ghadr Sandesa* and *Ghadr-di-Gunj* were written out in hand before duplicators were

purchased.

Surti Singh (p. 297) referring to December says Sucha Singh ind Kirpal Singh (46) made copies of the *Ghadr-di-Gunj* in Ludhiana from a copy brought by Sucha Singh.

Sucha Singh (p. 271) also states he and Kirpal Singh made copies of it, and Jaimal Singh (p. 292) says Kirpal Singh made copies.

Duplication: We may consider very briefly the duplication of the *Ghadr-di-Gunj* and *Ghadr*.

Amar Singh (p. 275) states that early in February Mathra Singh (52) said duplicators were wanted, that they would cost Rs. 12 each, but six could be got for Rs. 60 and these were duly obtained, one on the 9th and the rest shortly after. Sita Ram (pp 179-181) says he sold on the 9th and 11th February 6 duplicators each valued at Rs. 12 for Rs. 60 to a Sikh. He is an employee of the Religious Book Society in Lahore and he identifies P. 20 A.B.C.D. from shop marks thereon.

One of these 6 duplicators, Sucha Singh states (p. 279), was brought to Ludhiana by Kartar Singh (39) and Pingley (59) on the 12th February and the witness took it over to the house of Puran Singh (62), where Kartar Singh taught Puran Singh and witness how to use it.

On the 15th February, he says, he bought some paper from one Labhu Ram and took it to Puran Singh's house, where he and Puran Singh wrote out an Urdu copy of the *Ghadr Sandesa* and printed off a large number.

On the 18th February Puran Singh, Sajjan Singh and he printed off a number more and one copy was given to Natha Singh, which Natha Singh (p. 292) admits, and he identifies (P. 230) duplicated copies as being partly in his own, partly in Puran Singh, and partly ii Sajjan Singh's hand, and he states (p. 283) he gave one copy to Puran Singh to print more.

He tells us (p. 281) that when he returned from Meerut on 22nd February and realized the game was up, he deposited the bundle of *Ghadr Sandesa* in the house of Muhammad Din. Jaimal Singh (p. 293) tells us that Kartar Singh asked him to make copies of the *Ghadr Sandesa* and some days after Puran Singh told him that Sucha Singh when going away (i.e., in February) had left some things at Sajjan Singh's. He and Surti Singh went there and got a duplicator, which he took home. There he says he printed off 2½ or 3 dozen copies of the *Sandesa* and Puran Singh a dozen. On hearing of the police enquiries at the end of February he and Surti Singh threw the duplicator and the copies down a well.

Surti Singh (p. 297) admits he went with Jaimal Singh and got the duplicator (P. 20 E) and took it first to the Boarding House where Pingley taught him how to use it and that when he came back Jaimal Singh told him to throw P. 230 away.

Kapur Singh (p. 292) also saw this duplicator in Ludhiana and at Jaimal Singh's request gave it to Santa Singh.

Santa Singh (p. 292) was with Jaimal Singh when he threw the duplicator into the well, and Kishen Singh, *Zaildar*, and Niaz Ahmad. Sub-Inspector of Police (p. 324) were present when Jaimal Singh recovered the duplicator (p. 20 E) from a well in Sonet and Bhagwan Gir (p. 262) gives evidence as to the recovery of P. 230 from a well.

Ahmad Khan, Inspector of Police, testifies to recovering 4 of these duplicators (p. 20 A-D.) from house 2 on the 22nd February and is corroborated by Mr. Tresslor and Nurdin, and he verified their purchase at the Religious Book Society.

Amar Singh (p. 76) states that on the 14th February at the house he saw Jamna Das (33) duplicating the *Ghadr Sandesa* from a copy made by Kartar Singh and identifies two duplicated copies (P. 23 A, B.).

Mula Singh states (p. 104) that in February Amar Singh told him they had purchased 6 or 8 duplicators and showed him a duplicated copy of the *Ghadr Sandesa* and on p. 105 he says Rash Behari Bose told him several copies had been printed and would be distributed.

The sixth duplicator was according to Amar Singh (p. 275) sent with Mathra Singh (52) and Harnam Singh (23) to Jhelum on the 18th February.

Distribution of Ghadr in India: The distribution of the printed, written and duplicated copies of the *Ghadr* was very wide.

We may take to start with its use in Ludhiana and by the Ludhiana students, some of whom, we have seen, helped to copy it out.

Sucha Singh (p. 271 *et seq.)* tells us he was first introduced to the *Ghadr-di-Gunj* by Kahn Singh in November, from whom he got a copy, in company with Abdul Alim. This he gave over eventually, after making copies, to Dewa Singh (15), who delivered it to Kehr Singh (42). Later, he says, Kartar Singh spoke of this book to him. Early in February Bhan Singh (8) visited him and recited some verses from the *Ghadr-di-Gunj* to him and Kirpal Singh (46), and still later Kartar Singh in his presence read out to Puran Singh some verses from it in order to seduce that youth. Puran Singh asked for the book and was promised a copy.

When he went down country in his attempt to seduce troops he

promised Sajjan Singh at Cawnpore copies of the *Sandesa* to distribute among Mohammedan troops and when he went to Fyzabad he took with him a copy of the *Ghadr-di-Gunj* and read portions of it to Harnam Singh. Havaldar, and promised him copies.

In Lahore on the 14th February, he says, Rash Behari Bose gave him 6 copies of the *Sandesa,* and he went to Ambala, after giving one copy to Puran Singh at Ludhiana, and gave four of them to Ujagar Singh to distribute among the men of IX Hudson's Horse. He there also got promises from Narindra Singh to distribute copies when procured. On the 17th February, preparatory to going to announce the rising, Rash Behari Bose gave him *inter alia* 17 copies of the *Sandesa* (p. 243). Half of these, he gave to Sajjan Singh to take to Fyzabad. He himself at Meerut, on the 20th, gave one copy to Phula Singh, sepoy, one to Amar Singh, bugler, one to Bhagwan Singh, *sowar,* and one to Jogindra Singh. The remainder he brought back to Ludhiana and buried in the sand-hills when he heard of the police enquiries. He has no doubt as to his object in doing so — it was to incite to mutiny (p. 285).

Jaimal Singh (p. 292) bears him out in part, he tells us that in November Sucha Singh read out a *Ghadr-di-Gunj* in the Boarding House, and he also states that at the beginning of February he and Puran Singh met Sucha Singh at the station and they were shown a bundle of *Sandesas* which were to be distributed. The following day he saw the duplicator.

Sher Muhammad (p. 295) also heard Sucha Singh read the *Ghadr-di-Gunj* in the Boarding House in November 1914, and Surti Singh gives evidence (p. 297) to the same effect.

Surti Singh also tells us he was given a bundle of papers about the 18th February to take to Ishar Singh at Meerut, which he did.

Kishen Singh, *Zaildar* (p. 288), Imam-ud-din (p. 289) and Faiz-ul-Hasan, Sub-Inspector of Police, testify to the recovery of P. 243, from some sand hills near Ludhiana pointed out by Sucha Singh on the 24th February.

In addition to this distribution and use in Ludhiana Umrao Singh (p. 336) says he gave a copy of the *Ghadr-di-Gunj* to his cousin Dalip Singh (deceased) which resulted in his being seduced.

Amar Singh (p. 77) identifies P. 22, a copy of the *Ghadr-di-Gunj,* as one which was kept in the Gawal Mandi house, and he also says (p. 77) that it was decided to distribute this literature among the troops preparatory to the rising and Nidhan Singh and others took copies of the *Sandesa* in the

direction of the frontier and Kartar Singh took some to Ferozepore. He also says (p. 78) that Balwant Singh *(sowar)* and Sajjan Singh took copies to the troops at Mian Mir and Parma Nand took some to Peshawar and Mathra Singh (52) and Harnam Singh (23) some to Jhelum.

Much of this is corroborated by other evidence. Liakat Hyat Khan tells us (p. 151) that when house 1 was raided a portion of the *Sandesa* and a couplet from it were found on Amar Singh.

Ahmad Khan, Sub-Inspector of Police (p. 157), found P. 97, an Urdu copy of the *Sandesa* and P. 22 a torn *Ghadr-di-Gunj* in house 2.

The incident of Parma Nand (57) taking the *Sandesa* to Peshawar is amply corroborated by the evidence of Ahmad Khan (p. 160), Ali Haider (p. 348) and Akram (p. 283), who say Parma Nand produced a copy (P. 129) from a place where he had hidden it on the Jamrud road on the 20th March.

Kirpal Singh (p. 186) says Nidhan Singh was given copies of the *Sandesa* for circulation on the frontier. Mr. Lamacroft (p. 353) testifies to the discovery of a copy of the *Sandesa* in the Ferozepore lines on the 20th February.

Inder Singh (p. 193) tells us that at Sangwal, Banta Singh (the Walla bridge murderer) used to get the *Ghadr* from America and read it out to the villagers.

Ichhra Singh (p. 254) says Buta Singh (the associate of Banta Singh in the murder of S. Chanan Singh) showed him in November copies of the *Ghadr* and even earlier than that in August, while later on Nidhan Singh (54) gave him a copy of the *Ghadr-di-Gunj*.

Ganda Singh (p. 181) and Sadr Din (p. 182) tells us that when Jaggat Singh (32) was arrested at Chak No. 5 on 2nd March he had a copy of the *Ghadr-di-Gunj* on him, which he proceeded to recite.

Kirpal Singh (p. 185) says that preparatory to setting out for Dadher at the end of February Kehr Singh (41) expressed a desire for some *Ghadr Sandesa.* When he set out Rash Behari Bose gave him 5 copies, which he distributed in Dadher; all except one copy which he handed over to Amir Ali.

Amir Ali (p. 247) testifies to receiving this copy (P. 51) from Kirpal Singh.

Inder Singh (p. 386), who was found in possession of a cypher copy of the *Ghadr,* has said he copied it out on board ship.

Mula Singh (p. 105) also tells us he showed a copy of the *Sandesa*

to Naurang Singh (55) the day he ordered flags from him (p. 105).

The proposals for a press: It has been urged by some of the accused that their sole object in coming to India was to start a press and a paper like the *Ghadr*. We have seen already what their real object was, but there is no doubt the establishment of a press in India was one of the methods they intended to employ to further their designs. The success in seducing people the *Ghadr* had in America was sufficient encouragement for this course to be adopted, and it is common knowledge that Indians are easily swayed by that which is in print, and that the press is everywhere in India a favourite weapon for exciting disaffection.

Inder Singh (28) in his confession (pp. 386-87) says that at Rangoon on the way out it was proposed to start a press and print the *Ghadr* in English, Urdu, Gurmukhi and Hindi, with the object of circulating it among native regiments, and in the towns and villages, and as soon as it had secured a wide circulation and the minds of the people were upset, riots and mutinies were to be started all over India.

Nawab Khan (pp. 134-138, 144) tells us that at the Ladowal meeting on the 17th November he asked Pirthi Singh (58) why the press had not been started and he told him that Parma Nand (56) had said he would look after it himself.

In December he urged on Amar Singh the necessity of literary propaganda and he replied Parma Nand (56) had undertaken this part and would start disseminating literature as soon as money had been got by dacoities.

Amar Singh (p. 71) says that one of the objects Rash Behari Bose (66) had in view in moving from Amritsar to Lahore was that he might start a press to issue seditious literature from, and that when he got to Lahore he suggested (p. 77), about the 14th February, the hiring of a third house where from printed matter could be distributed.

He also tells us (p. 87) that this idea of a press in Lahore was discussed at Moga as early as 19th November.

This intention does not seem to have gone much beyond the purchase of duplicators with which we have already dealt.

We have now to touch on a miscellaneous collection of seditious literary efforts.

Tarikh-i-Hind: The first and most important of these is *Tarikh-i-Hind,* a volume written by Parma Nand (56).

Its nature has already been fully discussed by us and the accused's

defence in connection therewith will be duly considered later.

All we need now note is that Amar Singh on p. 61 says that Parma Nand parted company with Hardial (when the latter was touring in Oregon in May 1913, raising funds for his proposed *Ghadr* paper to start the revolution) with the express object of going to England to write a book on Indian History.

This conjunction is somewhat significant, especially when we know the *Ghadr* advocated the dissemination of books.

The number of the book printed was 1,000, and it appears to have sold out rapidly.

Bomb Manuals: We may here refer to a pamphlet found in Parma Nand's house in November 1909. This pamphlet is known as the Bomb Manual and its nature is sufficiently described by a quotation from the preface.

"The aim of the present work is to place in the hands of a revolutionary people such a powerful weapon as explosive materials.... In it ... are described the ways of preparation of explosive materials... the most powerful and most shattering substances", and this interesting volume then proceeds to give detailed instructions as to the ingredients and preparation of explosives, innumerable methods of manufacturing shells and bombs, all duly illustrated, concluding with careful instructions as to how to blow up railway lines and bridges.

Connected with this we may refer to a few other bomb recipes.

Nadir Khan (p. 270) tells us Pingley gave him in Meerut detailed instructions how to make bombs and he wrote down the recipe P. 197 and Pingley (p. 431) admits giving it.

P. 237 (also a recipe for making bombs) was found by Kishen Singh (p. 288) in Sucha Singh's house, and Sucha Singh says this was given to him by Umrao Singh.

Ilan-i-Jung: The next effusion we may turn to is the *Ilan-i-Jung*. This is a proclamation of war of a highly inflammatory character prepared for distribution on the outbreak of the rising. It is also a duplicated production.

Ahmad Khan (p. 157) found in house No. 2, 15 Urdu and Gurmukhi copies of it (P. 101), a bundle of foolscap of the size and quality of these copies P. 103 and another bundle (P. 104) of copies in Urdu, Gurmukhi and Hindi. He traced the paper to one Pindi Das, who identified Gurmukh Singh (17) in the *thana* as the purchaser; Devi Chand (p. 169) of this

shop testifies to the sale.

Nadir Khan (p. 268) was given one of these (P. 235) in Meerut in February by Kartar Singh and Pingley, which he gave over to his Commanding Officer, and others were given to Ishar Singh and other men of the regiment by the same men.

Sucha Singh (p. 280) says that Rash Behari Bose gave him 12 of these productions to distribute among troops down country. Some of these he gave to Sajjan Singh to take to Fyzabad, where Mr. Denham (p. 336) found one in the house of Havaldar Harnam Singh; the rest he either distributed or brought back to Ludhiana, burying them in the sand hills, where he pointed them out to Faizul Hassan, Imam-ud-din and Kishen Singh (p. 244).

Amar Singh saw the *Ilan-i-Jung* in Lahore, and Rash Behari Bose told him, he would send Pingley with 2 copies of it and he also saw Rash Behari send Sucha Singh off with a bundle down country.

Tilak leaflet: Another interesting production is p. 205-the *Tilak leaflet,* really a special issue of the *Ghadr,* found by Amir Ali on 10th November 1914 in the effects of Sher Singh (73) in Montgomery jail.

The nature of this has already been discussed and Sher Singh's defence will be noted hereafter.

Nadir Mauqa: A small subject is that of the *"Nadir Mauqa"* (P. 236 A, B) also a seditious production, which Sucha Singh says (p. 271), he and Abdul Alim wrote out in November and placarded in various places in Ludhiana.

Rikab-i-Ganj pamphlet: We have also the *Rikab-i-Ganj* pamphlet (P. 249 C), a copy of which Puran Singh (62) gave up to Faizul Hassan (p. 287) and Kishan Singh (p. 288) on the 24th February. This is also a highly inflammatory production, but we have no evidence before us to show who composed it. [This Gurdwara is associated with the Martyrdom of the Ninth Sikh Guru Tegh Bahadur. It is located adjacent to Rashtrapati Bhawan (known as Viceregal Lodge before 1947), which was built in 1911-12: A part of the Gurdwara land was encroached upon, which enraged the Sikhs — Ed.]

Canada Dukhra: Finally there is the *Canada Dukhra* (P. 87). This document, the nature of which has been already considered, is first mentioned by Ichhra Singh. He was introduced to it by one Dharam Singh and he distributed some 500 or 700 copies and witness gave over some he had (P. 212) to Kartar Singh, Inspector (p. 353), on 14th

February 1915.

Another copy (P. 87) was found by Liakat Hyat Khan (p. 152) in the house of Hardit Singh (20) on 4th March.

Cypher Codes: We may mention in this connection of seditious literature three cypher codes.

The first is that of Inder Singh *(Granthi)* accused 28. The contents and nature of it have already been fully described and the discovery of it on Inder Singh will be considered in dealing with his individual case.

The second is the cypher code P. 227, found in the house of Inder Singh of Patiala.

This was discovered by Ghazanfar Ali (p. 326), and Ichhra Singh (p. 260) tells us he and Inder Singh had agreed to correspond in cypher and he has read out extracts to us which deal with belts, *Kirpans* and the manufacture of bombs.

The third is referred to by Mula Singh (p. 92). He tells us Bhagwan Singh gave him a code, which he eventually handed over to Kashi Ram, the Ferozeshahr murderer.

The importance of these cypher codes at this stage, apart from the nature of their contents, is that the revolutionary concerned considered it necessary to adopt a secret method of record.

* * *

The *Ghadr* distribution in India

We may now turn to new evidence we have as to the distribution of the Ghadr in India.

(a) Jhar Sahib

Chronologically, the first place is the Jhar Sahib.

Kala Singh (p. 107) states there was a copy of the Ghadr *at the Jhar Sahib, with accused 4 early in November; which accused 4, 5, 35 and Chanan Singh (W.B.) read out in turn, and witness knows a considerable portion of its contents. Among those who were regaled with this literary diet were, witness says, accused 7, 14, 55, 67, 73, 102 and others not before us.*

Witness also tells us that sometime before 17th November, Gujar Singh (18) read out more extracts from the Ghadr, *to an audience, including 5, 35, Lal Singh, Bhure, and Chanan Singh (W.B.).*

Lal Singh (p. 262) asserts he heard accused 5 reading a seditious

paper to Kala Singh, approver, Lal Singh (L.C.C.) accused 8, 35 and others in the Jhar Sahib, and he expostulated in vain; and Chanan Singh, son of Lal Singh (L.C.C.) (p. 273) states accused 18 and Chanan Singh (W.B.) came to his father, and read out a Ghadr *to him, and on a subsequent occasion accused 4 and 18 did the same.*

Sunder Singh (W.G.) tells us he saw a Ghadr-di-Gunj at the Jhar Sahib; and Natha Singh (p. 97) informs us that Ganda Singh (15) had a Ghadr *pamphlet with him, which he read to the others, before proceeding to Kairon.*

In his magisterial confession, Bogh Singh (accused 5) stated he saw a Ghadr *at the Jhar Sahib early in November, which had been brought there by Lal Singh (L.C.C.), Kala Singh (approver) and accused 4; and that the paper was recited to him; and Jassa Singh (35) in a statement, which is exculpatory, said Lal Singh gave him a* Ghadr *to read in the Jhar Sahib, which he did.*

(b) Among Troops

A very important matter, viz., the distribution of the Ghadr *among troops in India, had been further evidenced in this case.*

In the Lahore Conspiracy Case it was in evidence that the present accused 74 took Ghadrs *to the 23rd Cavalry about the 17th or 18th February. We have now a great deal of new evidence as to the 23rd Cavalry receiving* Ghadrs.

Wasawa Singh tells us (p. 128) that Sajjan Singh gave him 10 copies of the Ghadr *Sandesa in February, to distribute in the regiment and these copies were freely read by sepoys.*

Balwant Singh (p. 143) states he was given 6 or 7 copies of the Ghadr *Sandesa by accused 74, about 17th February, to distribute in the 23rd Cavalry.*

Puran Singh (p. 122) mentions being shown, in February 7 or 8 copies of the Ghadr *Sandesa by Wasawa Singh, which had been introduced into the lines of the 23rd Cavalry by Sajjan Singh (74), and they were read by sepoys there. He states he gave one to Ganda Singh.*

Ganda Singh (p. 119) mentions receiving a copy of the Ghadr *Sandesa from Puran Singh in February 1915, which had been obtained from a student; and this copy was given to Achhar Singh, another sowar; and when enquiries were made in Nowgong, after the bomb explosion there, he learnt it had been made over to a Nihang.*

Achhar Singh (p. 149) deposes he received a copy from Ganda Singh, and on Lachhman Singh's directions, he handed it over to the chela of Nihal Singh. Mahant of Dubli.

No Ghadr *found in the lines of the 23rd Cavalry has been produced before us, but there is evidence of one having been found during investigation and being destroyed without police knowledge.*

Balwant Singh (p. 143) states that, when his house was searched, one copy was found, but Lance-Dafadar Lachhman Singh told the thanadar it was a paper concerned with signaling. Wasawa Singh (p. 128) says he heard from Puran Singh of this incident; and Puran Singh (p. 122) testifies to hearing of it from Lance-Daffadar Lachhman Singh, and adds that all the Ghadrs *in the regiment were burnt, when Balwant Singh's quarters were searched.*

In addition to the circulation of the Ghadr *in the 23rd Cavalry, there is evidence of its circulation in the 26th Infantry at Ferozepore.*

In the Lahore Conspiracy Case we saw (and it is also proved in this case), that on the 18th February Kartar Singh (L.C.C.), and a student left Lahore for Ferozepore with Ghadrs *preparatory to the expected rising on the 19th.*

That student, Anokh Singh tells us (p. 243) that, on the 18th February, Kartar Singh (L.C.C.) gave him some copies of the Ghadr *Sandesa to take to Ferozepore, and that Kartar Singh in Ferozepore handed over some copies to Labh Singh (48) and Phuman Singh (66), to distribute in their regiment, and others were given to some wounded sepoys they met in Ferozepore.*

Inspector Lamacrafl (p. 266) deposes to the discovery of a copy o/ Ghadr *between the Depots of the 20th and 26th Punjabis in Ferozepore on 20th February.*

Its circulation in the 20th Punjabis is also mentioned by Teja Singh (p. 286), formerly of that regiment, who says that Jamadar Buta Singh gave accused 46 copies to read to sepoys of the 20th.

We may turn now to some miscellaneous evidence, showing the circulation of the paper in India.

(c) Ludhiana

As in the Lahore Conspiracy Case we have evidence of its widespread distribution in Ludhiana. To that evidence we must now add the evidence of Anokh Singh (p. 213), who states that, towards the end of December

1914 or in January 1915, Kirpal Singh (L.C.C.) showed him a Ghadr-di-Gunj, which he took home and read with accused 74 becoming inflamed thereby, and urged by Nidhan Singh (L.C.C.), he and accused 74 copied out extracts, and placarded them on the wall of the Khalsa High School.

(d) Thikriwala

Sohan Lal (p. 280), Karm Chand (p. 281), Kaka (p. 281), Tahl Singh (p. 281), Gokal Chand (p. 251) and Jhanda Singh (p. 252) depose they heard accused 81 and others reading out parchas in mauza Thikriwala to various people, the nature of which is described as seditious by some of the witnesses.

Inspector Shabir Hussain (p. 279) says he found a copy of the Ghadr, *on a search of accused 81's house, on the 4th of April 1915, also some Gurmukhi extracts therefrom, verses, letters and postcards; and is corroborated by Sub-Inspector, Police, Tara Chand.*

(e) Lohatbadi

New additional evidence as to the Ghadr-di-Gunj in Lohatbadi is given by Sunder Singh, A.M. (p. 162), who deposes to seeing it there.

(f) In possession of Bhagat Singh

Bhagat Singh (p. 168)) states Harnam Singh (23) gave him a Ghadr-di-Gunj in *Gurniukhi, and he is able to remember some of the verses therein.*

He also says (p. 173) that Arjan Singh (approver) gave him 3 papers (P. 50), containing seditious verses; and Kapur Singh, gave him a Ghadr-di-Gunj (P 53), and a copy of the Sachi Pukar *(P. 54), which he said, he had received from Arjan Singh (approver). He also admits possessing P. 57, a manuscript of seditious material.*

The discovery of P. 53-54 in his possession is testified to by Sub-Inspector, Police, Haider Ali and Zaildar Hazara Singh, and Sub-Inspector Police, Haider Khan (p. 220) proves the discovery of P. 57 on the 29th of June 1915.

Arjan Singh (p. 200) corroborates that in February he gave a Ghadr-di-Gunj to Kapur Singh, which he had obtained, he says, from accused 32 and Banta Singh (W.B.).

(g) Dhudike

Bachan Singh (p. 187) states that Pakhar Singh (62) had a manuscript Ghadr-di-Gunj in Dhudike, from which he read for witness' edification.

The Bharat Mata Productions

In addition to these instances of the Ghadr-di-Gunj, we have to notice the discovery by Sub-Inspector Police, Ishar Singh (p. 221), of P. 70, an advertisement of seditious books, published by the Bharat Mata Agency, in the house of accused 69 on the 22nd of June 1915.

This advertisement refers to Baghi Masih, Mohibban-i-Watan, Baghawat *and other equally seditious productions.*

Naujawan Utho

We have also to mention the discovery of a book (P. 80) called Naujawan Utho *in the house of accused 65 on the 22nd of June 1915 by Inspector Nand Singh (p. 228) and Kaku Singh (p. 229).*

In conclusion we have to refer to some other incidents, relating to the propagation of seditious literature.

A Press in India

Sunder Singh, A.M. (p. 157) states that Buta Singh (hanged) and accused 17 told him some revolutionists would come to Asa Majra, to see if they could start a press there, but the proposal never materialized; Mr Slattery (p. 354) and Sodhi Inder Singh (p. 375) depose to accused 12 having a duplicating apparatus in the Tosha Maru, in which there was a seditious manuscript, and Ram Chand (p. 284), states accused 70 handed over to the police a handprinting machine (P. 108 B) on the 22nd of August 1915, a fact to prove which Nand Singh (p. 284) was also tendered.

We are perfectly satisfied that the Ghadr newspaper, along with its progeny, was distributed in every place, where the revolutionists hoped to gain adherents, and particularly among troops; and that its calculated falsehood and incitements were instrumental in turning to disloyalty many men. (SLCC Judgement p. 67-69)

(6) The Manufacture of Bombs

We will see in due course that bombs were used during the dacoities and were in fact a regular part of the equipment of the revolutionists engaged in war. We know also that bombs have been used for the purpose

of murder by other so-called "political" criminals, and it remains for us now to trace the manufacture and collection of bombs by the accused in this case.

Bombs referred to in the Ghadr: The use of bombs is specifically mentioned in the *Ghadr* newspaper, and it will suffice to give the references thereto.

In one of the poems, a copy of which was found on Nand Singh (53), referring to Bal Gangadhar Tilak it is stated "he taught us to make and use bombs", and in the issue of the *Ghadr* dated 13th January 1914 bombs are also mentioned.

In the first issue, the *Ghadr* relates that one Hem Chandar Das went to Paris to learn how to make bombs, and returning set up a factory in Calcutta and taught others, and proceeds to mention with approbation the Muzaffarpur outrage, when two ladies were foully murdered in May 1908.

Bombs referred to in Sohan Singh's confession: Sohan Singh (74) in his confession stated also that he knew beforehand of the bomb that had been thrown in Delhi.

Discussion regarding bombs on way to India: The use of bombs was undoubtedly discussed among the revolutionists returning for war on their way back to India.

Nawab Khan (p. 132) tells us that on board the *Toshu Maru,* one Udham Singh (not accused). Rur Singh (82) Narain Singh and Jawala Singh (36) referred in conversation to a bomb incident in America, and mentioned that Amar Singh, Pirthi Singh (58). Jaggat Ram (31) and a fourth man had been trying to make bombs on the farm of Jawala Singh (36) near Stockton and in the course thereof the arm of the fourth man had been blown off, and he had been taken to hospital and was convalescent at the office of the *Yugantar Ashram* in San Francisco.

Mula Singh (p. 91) states that he met Harnam Singh (21) at Stockton and he told him he had lost his arm while learning to make bombs, but we do not think this is sufficient to connect the particular accused with the incident.

Nawab Khan also tells us (p. 132) that when in the Hugh he noticed an aluminum pan with Amar Singh, Jagat Ram (31) and Pirthi Singh (58) with a peculiar funnel to it. On enquiry he was told it was for cooking potatoes — an euphemistic term for bombs.

Proposals on arrival in India: From the earliest times after arrival

in India, bombs were discussed.

Nawab Khan (p. 134) tells us that at the Ladowal meeting on the 17th November Jaggat Ram (31) said that a large number of bombs would have been prepared had there been more time, and Kartar Singh (39) said some were being got ready through Gujar Singh (19). We have no evidence of such preparation, but what is established is that the making of bombs was a very early idea of the accused.

Again on the 4th December he says he was told (p. 137) at Nangal Kalan by Kartar Singh (39) that Udham Singh (78) had come to the *Yugantar Ashram* from Canada to learn bomb-making and a few days later (p. 139) he met Jawand Singh (35) and Nand Singh (53) who told him they had been able to get certain chemicals, which Jawand Singh (35) said he had been successful in obtaining.

Jawala Singh (p. 116) tells us that Nidhan Singh told him in November he had sent Dhian Singh (a Ferozeshahr murderer), Gandha Singh (16), and Roda Singh (67) to learn bomb-making from Dalip Singh at Roda, and Udham Singh (p. 228) says that in December Wasawa Singh (81) told his father money must be got in order to make bombs.

The activity of the accused was not, however, specially engaged in bomb making until the end of December. We will see shortly that important steps were taken then for local manufacture in Amritsar and elsewhere, but it is necessary first to note that arrangements were made to bring up from Bengal an expert in bomb making.

The employment of a Bengali Expert: From a very early time in the course of the war the employment of a Bengali expert in bomb making was mentioned among the accused. We have evidence as to the proposal to bring one and, as to his having been brought, but very little as to his actual services when brought in teaching bomb making though plenty in regard to his general activities.

Amar Singh (p. 69) says that in November he met Kartar Singh (39) at Ludhiana, who told him a Bengali was coming to Jullundur about the 29th or 30th November and suggested they should go there to meet him.

He went to Jullundur on the, 30th where he met Kartar Singh (39) and a Bengali on the platform.

They were joined by Ram Sarn Das (64) and they all four went into a garden close by the station, where the Bengali told them bombs could easily be made.

He declined to give his name or address to all of them, but gave it confidentially to Pirthi Singh (58) who was brought by Amar Singh and told them one man should be sent to Benaras. Thereafter Pirthi Singh (58). Ram Sarn Das (64) and the Bengali went off to Lahore together.

Pirthi Singh afterwards told them the Bengali had asked him to go down to Benaras on the 5th December but before that date Pirthi Singh was arrested at Ambala.

Towards the end of December Amar Singh says he went to an Arya Samaj meeting at Jullundur where he met Parma Nand (57), with whom he went on to Kapurthala where he met Pingley.

At Kapurthala there was a meeting which was attended by Pingley (59), Nidhan Singh (54), Kartar Singh (39), Ram Sarn Das (64), witness and Parma Nand (57) and in the course of it Pingley informed them a Bengali Babu was prepared to co-operate with them.

This Bengali is undoubtedly Rash Behari Bose (66) and it was further decided to learn how to make bombs when the Bengali came. The party then broke up and went their several ways.

Amar Singh went to Amritsar — a subject we will deal with shortly — at the meeting where the experimental bomb was made, i.e.. 31st December it was mentioned that the Bengali was coming up.

About the 3rd January he met the Bengali whom he had previously seen at Jullundur at Sant Gulab Singh's and Mula Singh gave the latter money to bring up the Bengali expert and the first mentioned Bengali went off with Pingley to Benaras. Amar Singh went to Lahore and on returning to Amritsar was told the Bengali expert had arrived. This Bengali proved to be Rash Behari Bose (p. 70).

Mula Singh (p. 97) says that a day or two after the experimental bomb Pingley came to him at Sant Gulab Singh's at Amritsar with a Bengali whom he afterwards ascertained was one Sanyal. Pingley told him he was going to bring a Bengali expert in making bombs like the one thrown at the Viceroy, and he asked witness for money to bring him up. Pingley went off to the Doaba.

About the 12th January he gave Sanyal Rs. 500 partly to fetch the expert and Sanyal departed for Benaras leaving him his Benaras address on a slip of paper (P. 39) which he deposited in Hardit Singh (accused 20's) keeping.

The next day Ram Sam Das (64) came to see him and told him the Bengali expert could make very large bombs.

Some days later a Bengali, who afterwards proved to be Rao (accused 63), came to him with a letter from Pingley and told him Sanyal had delivered the money, and shortly after Pingley did arrive in Amritsar with Rash Behari Bose. In conversation Rash Behari Bose referred to the Delhi bomb, and the preparation of bombs in the presence of Pingley and Rao, and he remained in Amritsar for 15 or 16 days without ever leaving the house and then moved to Lahore. Nawab Khan (p. 137) states that Amar Singh told him in December that there was a Kapurthala gang in league with the Bengal anarchists and that a Bengali had brought two bombs and had given them to Pirthi Singh to take to Ambala, but beyond this he does not refer to the Bengali expert.

We need not here pursue the varied activities of Rash Behari Bose, who assumed the leadership both in Amritsar and Lahore after his arrival and all that is necessary at this stage is to note some particular acts of his directly connected with bombs.

It was he. as we will see shortly, who sent Amar Singh to Lahore to enquire if bomb materials were procurable there.

He also (p. 99) sent off Hirde Ram with Rao to Benaras for bombs and they returned bringing a biscuit tin (P. 42) with bombs in it. These bombs were placed in *Mussammat* Atri's house by Mula Singh and as we will see later these bombs (P. 25 A.D.) were subsequently removed to the Wachowali house in Lahore where they were found on the 24th February.

On another occasion, while still in Amritsar, Rash Behari Bose sent Ram Saran Das (64) to procure a stove, which he wanted for making a certain acid and this stove was eventually removed to Lahore (p. 173) and Amar Singh (p. 71) tells us that one of the reasons given by Rash Behari Bose for removing to Lahore was that he could make bombs there.

The experimental bomb: On the 31st December 1914 there was an important gathering of some of the accused at a Dharmsala in Amritsar. Pingley (59), Nidhan Singh (54), Kartar Singh (39), Harnam Singh (23), Harnam Singh (24), Balwant Singh (5), Parma Nand (57), Mathra Singh (52), Mula Singh and Amar Singh are said by Amar Singh (p. 69) to have been present. Various matters connected with the objects of the accused were discussed until eventually the question of bombs arose. Mathra Singh (52) informed them he knew one method of making bombs. Hirde Ram (27) brought a brass inkpot and this was filled with chemicals

by Mathra Singh. It was decided to test the result, and accordingly a party consisting of Mathra Singh (52), Amar Singh, Nidhan Singh (54), Parma Nand (57), Hirde Ram (27), Harnam Singh (23) and Mula Singh set out to the canal some 2 or 3 miles from Amritsar. Arrived here, three of the party, Parma Nand (57), Mula Singh and Hirde Ram (27) went forward with the bomb and returned shortly after, saying the experiment had been a success.

Mula Singh (pp. 95-96) referring to the same incident mentions the same persons were present at a meeting at the Virpali Dharmsala except that he substitutes Jaggat Singh (32) for Balwant Singh (5). He states that during this meeting Mathra Singh said he could make bombs, so next day they met again, this time Mathra Singh (52), Harnam Singh (23), Amar Singh, Hirde Ram (27), Parma Nand (57), and witness alone being mentioned.

Chemicals (and we consider it inadvisable to detail the description) were obtained by witness and Parma Nand II, Hirde Ram and Mathra Singh, also an inkpot, glass phials and certain *Kirpans*.

We may here state that glass phials and *Kirpans* were frequently used in connection with bombs, but we deem it unwise to state in a public judgement what part they played therein. The material was prepared and the inkpot case filled by Hirde Ram (p. 85) and the party consisting of witness, Parma Nand (57), Amar Singh, Hirde Ram (27), Harnam Singh (23) and one Gandha Singh proceeded to the canal bridge. Witness and Parma Nand (57) experimented with the bomb by hurling it at a boundary pillar, and it discharged with a loud explosion. They then returned to Sant Gulab Singh's Dharmsala.

Mula Singh also states that the materials for the bomb were pounded on a slab (P. 34) and that after his arrest he took the police to the site of the experiment.

The statements receive striking corroboration from Liakat Hyat Khan (p. 152), Amir Ali (p. 248), and Rur Singh (p. 226), who say Mula Singh took them to the site and there they saw the pillar damaged and found P. 37, a broken piece of an inkpot bomb, while Amir Ali (p. 248) further testifies that he recovered the stone slab stained yellow with chemicals along with two powders from Sant Singh's Dharmsala, a point in which he is corroborated by Sant Gulab Singh (p. 200) and Jai Ram Singh (p. 200). The same witness also states that Mula Singh took him to the shop of Hardial and other shops whence he had obtained materials

for the bomb, and he is corroborated by Hardial (p. 202), Wasan Singh (202) and Dina (p. 202), of whom Wasan Singh distinctly remembers Mula Singh purchasing from him.

This incident is clearly established therefore.

The result of this successful attempt was to further the keenness of the conspirators to manufacture bombs. To start with it was decided that Amar Singh should go to Lahore and procure satisfactory bomb cases. This brings us to the incident of the Raghu Foundry.

The incident of the Raghu Foundry: Amar Singh (p. 70) says that on getting orders to secure bomb cases he went to Lahore. At the house of one Charanjit Sahni he saw a *Surahi* which he thought would make an excellent model, and he borrowed it from the owner. From there he and Ram Rakha (65) went to the Raghu Foundry and there gave an order for Rs. 50 worth of iron cases representing they were required for ornamenting house railings. Rupees 5 were paid in advance and a receipt obtained.

Some days later he visited the foundry and found the cases were not ready, and this happened also on a second occasion. A third visit of Mathra Singh (52) and Amar Singh then followed (p. 71) and later still Amar Singh came to Lahore under Rash Behari Bose's order to bring back 2 cases as models for him to see. Eventually on the 21st or 22nd January Mula Singh sent him again with Rs. 100 to Lahore and he interviewed Raghu Ram, the owner of the foundry, who by this time had become suspicious and who declined to execute the order, destroyed the cases made, refunded the Rs. 5 and got Amar Singh to write "order cancelled" on the counterfoil P. 12.

Mula Singh (p. 96) says that after the successful experiment Amar Singh was given Rs. 25 advance out of Rs. 1,000 received from a dacoity in Malwa, to get bomb cases in Lahore, and returned next day with Ram Rakha (65) saying he had placed an order in Lahore for 80 bomb cases.

He further states (p. 98) that towards the latter end of January Amar Singh was given Rs. 90 to pay for bomb cases, but he returned soon after saying the foundry owner declined to execute the order.

This evidence is also corroborated in very close detail.

Amir Ali, Sub-Inspector of Police (p. 160) states that about 16th March 1915 Amar Singh took him to the Raghu Foundry where he verified an order for bomb cases on the model of *a Surahi* had been given and secured the cancelled counterfoil. The owner told him the cases made had been melted down but prepared for him a wooden model (P. 126) to

illustrate the nature thereof. From Charanjit Sahni he also obtained verification of Amar Singh borrowing the *Surahi (P.* 8) to take to the foundry.

Raghu Ram (p. 1 74) states Amar Singh visited his foundry on 2nd January, gave an order for "Kalsian" for ornamentation purposes, producing P. 8 as a model and paid him Rs. 5 in advance for which a receipt was delivered. He says that later on he became suspicious as to their purpose, broke the articles up, returned the Rs. 5 to Amar Singh and got the order (P. 12) cancelled. He also testifies to making the wooden model P. 126 when Amar Singh brought the police there.

Atma Ram (p. 174) corroborates the order from the book of the foundry and shows it was cancelled on the 23rd January.

Charanjit Sahni (p. 174) testifies to having given Amar Singh the *Surahi* P. 8.

At the same meeting at the Sant Gulab Singh's Dharmsala Amar Singh (p. 69) tells us that it was decided to obtain some more chemicals and Mathra Singh (52) was given money to get some, and Mula Singh (p. 96) states that Mathra Singh and Parma Nand (57) were entrusted with making more bombs.

It will be found that these two operated partly separately and partly together and we may first deal with the purchase of bomb materials for Amritsar.

The purchase of bomb material for Amritsar: We may note here *passim* that some of the orders were given by Rash Behari Bose.

Amar Singh (p. 71) states that Rash Behari Bose (66) asked him if certain materials, the names of which we expressly refrain from mentioning, could be got in Lahore, and Kartar Singh (39) mentioned one Dhanraj, a medical student in Lahore, as likely to help. Amar Singh and Mathra Singh came to Lahore and went first to Rakha Ram, Chemist, to whom (p. 70) they were introduced by accused 64 and from whom they ordered the chemicals mentioned by Rash Behari Bose, paying him Rs. 50 therefor, and then they went to Dhanraj who supplied further chemicals including 2 bottles of acid and received Rs. 3 in payment. With these articles they returned to Amritsar, gave them over to Mula Singh, who took one bottle of a certain acid (P. 11) obtained from Dhanraj and deposited it in the shop of Hardit Singh (accused 20).

About the 29th January, witness states (p. 73) that Rash Behari Bose (66) sent Mathra Singh and witness once more to Lahore to secure

more chemicals. This time they again went to Rakha Ram, Chemist, and gave him a list of dangerous and innocent chemicals, some of which he had in stock (including the acid in jars, exhibit P. 17 A.B.) and others he undertook to obtain from wholesale merchants.

It was decided that it would look better if the orders were sent on printed forms and accordingly Mathra Singh and he went to a press near the Subzi Mandi and ordered 500 order forms at a cost of Rs. 4, of which Rs. 2 was paid in advance, with the name M.S. Kohli, Chemist, Jhelum, printed on the top. A sample form is P. 15, and the printing block P. 14.

The order given to Ram Rakha was written out on one of these forms P. 16.

Such of the materials, excluding the acid in jars which were temporarily left at Rakha Ram's, as were obtained then were taken by witness to Mula Singh at Amritsar, as well as the printed forms and Mula Singh placed them in Hardit Singh's shop for custody. Hardit Singh himself being a chemist in a small way. Some of these forms, if not all, were later transferred by Mula Singh (p. 104) on 12th February 1914 to the house in Lahore, where we will see they were ultimately found. Mathra Singh departed for Jhelum.

The whole of these incidents is corroborated in the minutest detail.

Mula Singh (p. 98) says Rs. 200 were given by him to Mathra Singh to obtain chemicals from Lahore or Jhelum (Mathra Singh's place of abode), and on p. 99 he says Amar Singh returned from Lahore bringing a bundle of M. S. Kohli forms, the same chemicals Amar Singh says he brought, and told him he had ordered other chemicals in Lahore and that Mathra Singh had gone on to Jhelum.

He also says that prior to this Amar Singh brought him some other chemical (the same as referred to by Amar Singh) and 2 bottles of acid, on one of which (P. 11) the label bore the name of Beli Ram, which he placed in Hardit Singh's shop after scratching off the label.

In further corroboration we may first follow up the M. S. Kohli forms.

Ahmad Khan. Sub-Inspector of Police, states (p. 159) that on 28th February 1915 he went at Amar Singh's suggestion to the Rafah-i-Am Press in Lahore, where he interviewed the manager who gave him the printing block (P. 14), a sample of the paper used (P. 123), and informed him a Sikh and *Mona* (identified as Amar Singh) had given him the

order, paid Rs. 2 in advance and Rs. 2 on taking away the forms.

Buti Ram, the proprietor of this press (p. 109), admits printing off these forms and that P. 14 is the head block and gives evidence entirely corroborating the order and payment.

Liakat Hyat Khan (p. 152) states that on the information of Mula Singh he searched the house of one Gurdas (where Hirde Ram, accused 27, lived) in Amritsar and there found one bundle of these forms P. 83 and Ahmad Khan, Sub-Inspector of Police (p. 157), Mr. Tresslor (p. 166) and Nur Din (p. 166) state that on the search of house No. 1 in Lahore another bundle P. 102 was found there.

Closely connected with this is the evidence of Ahmad Khan. Sub-Inspector of Police, (p. 159) who says that on 13th March 1915 Amar Singh took him to Ram Rakha. Chemist, telling him he had been introduced to him by Ram Saran Das, accused 64, and that he had ordered certain chemicals from this man. Witness states the chemist gave him certain chemicals ordered (P. 17 A. B. C and P. 124) the order form (P. 16), and also showed him his pocket book P. 125 wherein it was shown that a small quantity of the chemicals were obtained from Messrs Plomers and he further mentioned Kilu Ram as the vendor of a certain acid.

Ram Rakha (p. 172) says Ram Sarn Das, accused 64, introduced Amar Singh to him, telling him to supply whatever he needed and that after that Amar Singh and another person (in reality Mathra Singh) often came to him. They ordered certain acid from him (P. 17 A, B. C) which he procured from Kilu Ram, then certain chemicals which he got according to his day book (P. 125) from Messrs Plomers, and on the 21st January they gave him the indent P. 16 on a M. S. Kohli form which he sent with a covering letter P. 16 A. to a wholesale firm in Calcutta. He says he received in all Rs. 170, and the articles undelivered to Amar Singh, he handed over to the police.

Ram Sarn Das (accused 64) admits he was at Ram Rakha's when Amar Singh came, but denies introducing him or recommending him as a customer (p. 378).

Kilu Ram (p. 173) and Mr. W.G. John (of Messrs Plomers) corroborate the sales to Ram Rakha from the books of their respective shops.

We have seen that Mula Singh had told us that one bottle of acid was placed by him in accused 20's house for safe custody.

Liakat Hyat Khan (p. 155) states Mula Singh told him he had

deposited it there, and that Amir Ali discovered it.

Amir Ali (p. 248) and Sant Singh (p. 190) testify to having found P. 11 in that shop along with the key (P. 210) of the almirah in which it was kept (p. 251) on the 16th March after a denial (p. 253) at first by Hardit Singh (20).

Accused Hardit Singh (20) (p. 369) admits the recovery and the deposit by Mula Singh, but alleges he did not know what it was when left.

Further Beli Ram (p. 178) identifies P. 11 as similar to bottles used by him for the supply of this particular acid.

This evidence clearly establishes that after the meeting in Sant Gulab Singh's Dharmsala Amar Singh and Mathra Singh did procure or order certain chemicals and acids for the purpose of manufacturing bombs at Amritsar.

We may now pass to a few other incidents showing other purchases in Amritsar for use in Amritsar.

Mula Singh (p. 98) says that about the time Mathra Singh and Amar Singh went off to Lahore, Hirde Ram (27) brought him some chemicals, which went bad.

Amar Singh (p. 70) states also that Hirde Ram, about the same time, brought certain chemicals.

That Amritsar was a kind of depot for the preliminary collection of chemicals and the manufacture of bombs is evidenced by further testimony.

Sucha Singh (p. 277) tells us that *en route* to Ludhiana, Kartar Singh (39) stopped at a *sunar's* in Amritsar and gave orders for 4 inkpots.

Amar Singh (pp. 70, 85) says Hirde Ram (27) filled inkpots in Amritsar for dacoity purposes, that he on 2nd February brought 5 or 6 inkpots from a shop near the Golden Temple and gave them to Mula Singh and (p. 71) that the bombs taken for the Sahnewal and Mansuran dacoities by Kartar Singh were made by Hirde Ram (27).

Mula Singh (p. 101) says that prior to the Chabba dacoity, Hirde Ram was told to make more bombs and he prepared four at *Mussammat* Atri's house, and on p. 98 he says Mathra Singh (52) made 4 bombs which he left in the Dharmsala.

He also tells us (p. 100) that he kept bombs and acid in that house, and repeats this assertion on p. 104.

In regard to this latter point, Liakat Hyat Khan, Deputy

Superintendent, Police (p. 152), tells us that Mula Singh on the 25th February told him he had left bombs in his house, but when he went there with Mula Singh he found the house door and cupboard upstairs forced open and empty.

Amar Singh (p. 78) says that after Mula Singh's arrest Parma Nand (57) and Sajjan Singh (70) were sent down to Amritsar to bring in Mula Singh's things, and on the 18th February these two men brought a bundle to the Wachowali house at Lahore, which was found to contain, *inter alia,* four bombs in a tin (P. 25 A to D.) which, we have seen. Hirde Ram had brought from Benaras and Parma Nand (57) also brought a bottle of an acid, an empty inkpot and some chemicals, all of which were deposited in the Wachowali house.

Kishen Singh. *Sadh* (p. 209) who had procured the house for Mula Singh says that at the time Mula Singh took it he placed in a cupboard *inter alia* tin containing things not known to him and that after Mula Singh's arrest Balwant Singh (5) and another person came to him, were taken to this house, where they forced open a cupboard and removed what was there.

On the search of the Wachowali house in Lahore on the 24th February on the information of Hirde Ram, Ahmad Khan found the bombs P. 25 A. to D, in a tin, a bottle of acid P. 214, chemicals P. 115, P. 117. P. 118 and he is borne out in this by Charanji Lal (p. 167) and Diwan Chand (p. 166).

The Jhabewal factory: We now proceed to consider the evidence in regard to Jhabewal. Jhabewal is a village close to Ludhiana and the residence of Dalip Singh, the deceased approver.

Mula Singh (pp. 95, 96, 97) says that at the meeting where the experimental bomb was made, Nidhan Singh (54) suggested starting a bomb factory in Ludhiana, the site ultimately fixed upon being at Jhabewal. After the successful experiment, when Amar Singh went off to Lahore to see about bomb cases, Nidhan Singh (54), Mathra Singh (52) and Parma Nand (57) went off with Rs. 150, the part proceeds of a Malwa dacoity, to Ludhiana to prepare bombs. It was hoped to get them done quickly enough for killing European officers attending the Muktsar fair.

Mathra Singh (52) and Nidhan Singh (54) returned very soon and told him that Parma Nand (57), assisted by some students, was preparing bombs in the house of one Dalip Singh (the deceased approver) at

Jhabewal. Kartar Singh (39) then departed for Ludhiana with Nidhan Singh (54), taking with them the second bottle of acid procured by Amar Singh from Dhanraj, the fellow of which was, as we have seen, deposited in the house of Hardit Singh (accused 20).

Shortly after Mathra Singh turned up with 36 lbs. of a certain ingredient; witness procured 2 more pounds from Hardit Singh (p. 105). and Harnam Singh (23), Pingley (59) and Mathra Singh set off for another object, but he accompanied the others in the first instance to Ludhiana.

About the 10th January witness met Nidhan Singh (54) at Amritsar and he was told the chemicals were being prepared at Jhabewal, and they were awaiting the outer cases, and on the 12th Nidhan Singh (54) returned to Ludhiana.

Later on in the month (p. 99) at Mathra Singh's request witness sent Hirde Ram with more chemicals to Ludhiana with instructions to leave them at Atar Singh's shop in that city.

He was told (p. 100) that Dalip Singh was the owner of the Jhabewal house.

Amar Singh does not know very much about this part of the plan of campaign as he was acting for the accused between Amritsar and Lahore, but he corroborates Mula Singh in saying (p. 70) that Parma Nand (57), Mathra Singh (52) and Harnam Singh (23) started for Ludhiana with some chemicals after the success of the experimental bomb.

The most important witness to this matter would have been Dalip Singh, who unfortunately died before his statement could be recorded by this court, but his place has to a large extent been taken by Umrao Singh.

Umrao Singh (p. 337) says that towards the end of December (and in this he is slightly ante-dating matters) Parma Nand (57), Mathra Singh (52) and Nidhan Singh (54) came to his cousin Dalip Singh at Jhabewal. Nidhan Singh gave Mathra Singh Rs. 50 to get certain chemicals and Rs. 60 or Rs. 70 to Dalip Singh for the same purpose.

Dalip Singh selected a hut at Mungli, a mile or so from Jhabewal as a suitable place for preparing bomb materials, which was approved of by Mathra Singh and Parma Nand.

They then left, but a short time after Mathra Singh (52) returned along with Pingley (59), Harnam Singh (23), Dewa Singh (15), a resident of Ludhiana and one Kahn Singh, who, we have seen, was one of the men who first induced the Ludhiana students to join in the war. This

party brought with them a quantity of chemicals. The same day Kahn Singh, Dewa Singh and Harnam Singh left and after their departure Nidhan Singh (54) arrived, with whom the next morning Pingley (59) departed.

Mathra Singh and Parma Nand remained to pound chemicals, he, witness, supplying two pestles and mortars (P. 254. 255) for the work.

Before leaving Nidhan Singh told him to fetch a bottle of acid (that is the same as had been obtained from Dhanraj) from the shop of Bela Singh where he had left it, which he did, meeting there Dewa Singh (15). Kahn Singh and Sucha Singh, approver, Dewa Singh getting the bottle for him.

On the same day Sucha Singh gave him a quantity of chemicals to take to Jhabewal. He took them and buried them in a field near the village, and handed the bottle of acid to Nidhan Singh. This buried stuff, he says, he ultimately pointed out to the Police.

He further states that some days later Dalip Singh gave Dewa Singh (15) some money to buy certain chemicals, inkpots and some iron lamps, and that Dewa Singh brought the chemicals to Jhabewal and gave them to Mathra Singh (52).

He further states that on another occasion Sucha Singh gave him some more chemicals, which he handed over to Parma Nand (57).

He also states that about the 12th January Mathra Singh and Parma Nand left as it was becoming known bombs were being prepared in the village, and that subsequent to this Sucha Singh brought some more chemicals which he buried near a pond.

Jhabewal thereafter seems to have been abandoned as a factory, and witness states (p. 338) that after the Sahnewal dacoity (23rd January 1915) Nidhan Singh (54) came to him and removed a large quantity of the material buried in the Mungli hut and elsewhere, and he was told afterwards (p. 339) by Dalip Singh that a lot of the bomb material had been removed to Lohatbadi which, we will see, became the centre of bomb making hereafter.

The witness also states he gave up to the police some of the bomb material given him by Sucha Singh.

Sucha Singh (pp. 271-72), after telling us how he was dragged into the affair by Dewa Singh and Kahn Singh, states he met Umrao Singh with Kahn Singh and Dewa Singh at Bela Singh's shop where Nidhan Singh had left the bottle of acid, and Umrao Singh gave him a recipe P.

237 for making bombs. This recipe was given over to the police by Sucha Singh on 25th February 1915 he producing it from his *box (vide* Faiz-ul-Hassan p. 287 and the Kishen Singh. *Zaildar*. p. 288 and Imam-ud-din. Municipal commissioner, p. 289). At Dalip Singh's request he stole some phosphorous from the school, and he and Kirpal Singh (46) bought materials from one Khushi Ram, and later some more from an adjoining shop. He was also asked to get other materials and as a blind asked at the same shop for innocent drugs like Tincture of Iodine and Calamine Chloride, which were alone, supplied to him. These purchases an account of which P. 238 A.B. was subsequently found in his house on the 25th February - *vide* statements of Faiz-ul-Hassan (p. 287), Kishan Singh *Zaildar* (p. 288), and Imam-ud-din (p. 280)- he gave to Umrao Singh. Kahn Singh also told him, he had procured some materials and likewise Dalip Singh.

Subsequent to this, he states (p. 272) he learnt from Dalip Singh that a doctor and a Bengali (i.e., accused 52 and 57) were preparing bombs at Jhabewal. He expressed a desire to meet them and Dewa Singh (15) told Kahn Singh (42) to take him there. He went taking some acid supplied by Kahn Singh and bought at Chandra Bhan's and at Jhabewal met Dalip Singh's father. The manufacturers had left, but the next day accused 52 and 57 called to see him at Ludhiana.

After this he met Dewa Singh who informed him of further purchases and the same day Dewa Singh gave him Rs. 5 to buy materials and also gave him an inkstand. In company with Kirpal Singh (46). Jaimal Singh and Abdul Alim he made certain purchases for Rs. 3 and handed the stuff over to Umrao Singh. By this time Parma Nand and Mathra Singh had left Jhabewal.

About January 20th he met Nidhan Singh (54) who gave him a bag of material to take to Jhabewal with directions to tell the Jhabewal men that they must get everything ready for removal from there by the 1st February. He took this bag. buried it in the presence of Umrao Singh, delivered the message and returned to Ludhiana.

He also says (p. 276) that after the Mansuran dacoity. in which he participated on the 27th January. Dalip Singh asked him to tell Ichhra Singh to remove the material from Jhabewal to Lohatbadi as the police were inquiring in the village, and Dalip Singh afterwards told him the stuff had been removed to Lohatbadi.

We have seen that in the approvers' statements there are frequent

references to purchases by themselves or others in Ludhiana. In connection with some of these we have a certain amount of corroborative evidence.

Wilaiti Ram, the servant of Chandra Bhan's states (p. 300) that Kehr Singh and Dial Singh bought certain acid from his shop on the 9th January 1915. This is the acid Sucha Singh took to Jhabewal. Dial Singh (p. 324) corroborates going with Kehr Singh for the purchase.

Bindraban gives evidence (p. 300) to having been asked by a Sikh for certain chemicals including Tincture of Iodine about the 6th to 8th January, the latter alone of which he supplied.

Hukam Chand (p. 290) states he sold certain chemicals to Sucha Singh in January, Maghi Ram (p. 290) gives evidence as to another similar transaction. Bela Singh (p. 299) says Dewa Singh left a bundle at his shop, which he and Dalip Singh removed. Shadi Ram (p. 299) says that one Fatteh Muhammad, a schoolmaster in Ludhiana, came with a Sikh and he procured some material for them from the shop of Milkhi Ram. Muni Lal (p. 299) the servant of Milkhi Ram, deposes to selling such material to Shadi Ram, and Fatteh Muhammad (p. 311) deposes to going with Dalip Singh to Shadi Ram's shop for the purchase.

Abdul Kayum, formerly a master at the Islamia School Ludhiana. deposes to the theft of a bottle of phosphorous from the school Laboratory and a bottle said to be the one stolen was given up by Puran Singh (accused 62) a student (*vide* statements of Faiz-ul-hassan (p. 287). Kishan Singh *Zaildar* (p. 288) and Imam-ud-din. Municipal Commissioner (p. 289) which Sucha Singh says (p. 279) he gave to Puran Singh on the 12th February to look after. Wali Muhammad (p. 300) and Maya Singh (p. 300) depose to having altered 2 lamps into what are bomb cases for Dewa Singh. In all 4 lamps were given to alter, 2 were altered, one was sold and the fourth, P. 253 B, was given over to the police.

In addition to the evidence of persons from whom materials were bought we have some evidence showing that Sucha Singh's house in Ludhiana was a kind of collecting depot for the Jhabewal factory, and also that at various times manufactured bombs were seen there, brought sometimes from Amritsar for the local decoities and sometimes from other places. It will be convenient to dispose of all these collections together.

Sucha Singh (p. 272), in addition to telling us what we have already noted, says that on 21st January 1915 Kartar Singh (39) showed Surti Singh and himself an ordinary brass inkpot filled with certain materials,

and told them it was a bomb, which he. Kartar Singh, thereafter placed in his pocket.

Jaimal Singh (p. 293) says Kartar Singh once told Anokh Singh (2) and Sajjan Singh (70), both students, in his presence how to make bombs and he further states that one day Sucha Singh brought certain materials in a sack which he said he was going to take to Jhabewal and which he set off with for that place.

Sher Muhammad, also a student at the same school, states (p. 295) that Kartar Singh once mentioned to him the materials used for a bomb.

Surti Singh, likewise a student, asserts (p. 297) that Sucha Singh bought a number of inkpots, saying they were bombs, and that some chemicals were made up in Sucha Singh's house, and that Sucha Singh on one occasion brought a bottle there. He identities the inkpot bomb.

Karam Chand, similarly a student and class fellow of Dalip Singh, says that about the 25th January Dalip Singh brought and left in the boarding house 3 glass inkpots (P. 256) which he identifies, and Kartar Singh. Inspector (p. 353) testifies that these inkpots were given to him on 30th March by Karam Chand.

Ishar Singh (p. 306) states Dewa Singh (15) once offered to teach Santokh Singh, a student, the art of bomb making.

We have this matter i.e., the use of Ludhiana as a collecting depot for Jhabewal and the use of Jhabewal as a factory further corroborated by discoveries at both places.

Gian Singh. *Zaildar* (p. 300) states that at Milkhi's house in Jhabewal Dalip Singh's brother gave up a pestle and mortar (P. 254) and another was found at Umrao Singh's house at the instance of Umrao Singh. This incident is further evidenced by Muhammad Akbar Khan (p. 314) who fixes the date as 4th March.

Muhammad Akbar Khan, Sub-Inspector of police, also states that on the 18th March Umrao Singh recovered from some sandhills near Jhabewal and from a field near by certain chemicals, i.e., the chemicals said to have been buried by Umrao Singh, and on the 31st March Dalip Singh's father produced a glass inkpot, and Dalip Singh a bottle of phosphorus and an iron lamp (P. 253 A) converted into a bomb case.

Hazara Singh, *Zaildar*, corroborates (p. 319) the discovery of the 18th March, and Sher Sahai. Circle Inspector, corroborates (p. 325) the discoveries of both dates.

Puran Singh's bomb: In Ludhiana a somewhat strange incident led

to further discoveries. Umrao Singh (p. 339) says that while returning from Mansuran Jawand Singh (35) gave him a bomb while in Dalip Singh's company, and he gave it to Sucha Singh.

Sucha Singh (p. 276) states that while returning from the Mansuran dacoity Dalip Singh gave him an unexploded bomb, which he afterwards gave to Puran Singh (accused 62). On p. 279 he tells us the circumstances under which he gave this bomb to Puran Singh. It was on 12th February 1915 and in addition to handing over the bomb he gave him a bottle of phosphorous (P. 241), which we have already discussed, and a packet of powder, telling him to take great care of the bomb.

Narain Singh, the uncle of the accused 62, states (p. 261) that on 20th February a bomb exploded in his house where Puran Singh was living in those days, and he reported the occurrence to the police. Kadir Bakhash, Sub-Inspector of police (p. 262) recording the report. In the house some bits of a bomb (p. 229) were found.

Puran Singh's defence in regard to this will be duly dealt with later.

Faiz-ul-Hassan. Sub-Inspector of police (p. 287) states that as a result of this report he searched Puran Singh's house and accused gave up an empty bottle, some *Kirpans* and a piece of the exploded bomb.

The use of Jhabewal as a factory is further evidenced by the evidence of Hira Das, Gian Singh *Zaildar*, and Sundar Singh.

Hira Das (p. 300) states he saw 2 strangers pounding some yellow stuff in a deserted hut near the village. Gain Singh (p. 300) saw a number of strangers in the village about 8th or 9th January and identifies Parma Nand (57) as one of them, and Sunder Singh (p. 301) testifies to having seen Parma Nand (57) the doctor (i.e. Mathra Singh 52) who was inquiring after Nidhan Singh (54) and a *Bhaiji*. and he states Dalip Singh took Mathra Singh to Lohatbadi.

The move to Lohatbadi: Lohatbadi as bomb centre:– This brings us to the removal of the bomb materials to Lohatbadi.

We have already seen that towards the beginning of February proposals were made to remove the materials at Jhabewal to Lohatbadi and we have seen that some materials was said by Dalip Singh to have been removed.

Prior to this, however the necessity for having bombs had been mooted among the accused at Lohatbadi.

Ichhra Singh (p. 255) informs us that he was told in November or December by Arjan Singh (the Anarkali murderer) that there was a

committee making bombs, and alter a failure by the local gang to rush a bridge at Gurthali it was decided that bombs were indispensable.

Some time after (p. 256) Arjan Singh brought Parma Nand (57) to him. saying he was an expert in bomb making and then Parma Nand departed, and Narain Singh (p. 268) states he was informed by Arjan Singh (3) the Bengali who had thrown the Delhi bomb would shortly come to Lohatbadi to teach them how to make bombs.

On the 20th January there was a meeting at Lohatbadi attended by Uttam Singh (79). Gandha Singh (16). Buta Singh (12). Nand Singh (53). Randhir Singh and others, and later on Nidhan Singh (54) came. Nidhan Singh told him he wanted 4 bags to bring bomb material, which the witness duly prepared for him. Some two or three days later Nidhan Singh brought a small quantity of bomb material, a bottle of acid, some glass-phials and six brass inkpots which he. Ichhra Singh, placed in his house.

He then proceeds to tell us how the Jhabewal material reached Lohatbadi.

Between the Jhaner and Rabhon dacoities he states (p. 258) Dalip Singh (deceased), about whom Nidhan Singh had told him he would bring bomb materials to Lohatbadi, came and told him he had brought some chemicals under Nidhan Singh's instructions as it was no longer safe to keep them where they had been, and that they were lying hidden in some sandhills. Witness sent Narain Singh for this material and he. Narain Singh, returned with it taking it to his own house.

Narain Singh told him afterwards that his mother had objected to it. and he had handed it over to Fatta, Chamar, to whom Ichhra Singh sent a message, when the police came, to remove it.

This account of the receipt of the material is corroborated by Narain Singh (p. 264). He says that Ichhra Singh told him a man had brought some chemicals to Nandiwala Toba, and asked him to go and fetch it. He went with Arjan Singh (accused 3) and met Dalip Singh (deceased) who handed over to him a bag of bomb material which he (witness) took to Lohatbadi and placed in his own house under Ichhra Singh's instructions.

After the Rabhon dacoity he went to Ichhra Singh's and asked him to have the stuff removed. Ichhra Singh sent Fatta to him who took it away (p. 267).

Udham Singh of Hans (p. 399) says Dalip Singh told him he sent 36 lbs. of acid by one l.al Singh to be taken to l.ohatbadi, and Sher

Sahai. Inspector (p. 325), tells us Narain Singh told him on 18th February 1915 of the removal of bomb materials by Dalip Singh.

Udham Singh of Hans (p. 306) states he once saw Nidhan Singh (54) bringing to the Gurdwara a sack, said to contain bomb materials which was placed in the outer *Kothri* of the Dharamsala.

In addition to this material it appears that other stuff was also procured, but we are unable to trace how it was all obtained.

Madho Ram (p. 307) of Raikot, however, does say that he sold certain bomb ingredients, glass phials and acid, which he procured from the shop of Madho and Gopi, to someone, and that Nand Singh (53) brought the police to him and pointed out his shop.

This incident is also referred to by Nand Singh in his confession. He says (p. 422) Gandha Singh (16) asked him to procure certain bomb ingredients, phials and acid, which he says he got at Raikot and which he buried in a wheat field.

Nand Singh also in his confession (pp. 421-422) gives us a long account of his connection with bomb materials in Lohatbadi.

He states that about the beginning of February he and two others (Harnam Singh and Balwant Singh) went to Lohatbadi where they met Sewa Singh, the son of Ichhra Singh and they were joined by Uttam Singh (79), Sewa Singh (71), Gandha Singh (16) and Arjan Singh (3), and Sewa Singh told them there was some bomb material buried near a pond. This stuff, contained in a bag. was removed by them and taken to *Mauza* Channa where it was concealed.

Some days later Gandha Singh (16) in the company of Chuhar Singh (13) brought him 8 or 9 empty bomb cases and then went to Lohatbadi to fetch material to fill these cases with Sewa Singh (71), bringing the stuff next day. On hearing of the police being in the neighbourhood he put both the bomb cases and materials in the house of one Kahru. That evening tiandha Singh (16) again came to him and got some bottles from him which he broke up and with some of the materials brought from Lohatbadi, and which he went to fetch, they, filled up 6 of the empty cases, putting the broken glass into them. These bombs were taken by accused to the house of the one Buxa Singh for the time being and eventually handed over to Chuhar Singh (13) along with the glass phials and acid. He accompanied Chuhar Singh (13) to Gandha Singh (16). Sewa Singh (71) and Arjan Singh (3), who were sitting on the bank *of "Sua",* where they tested the acid, from there Gandha Singh (16) and he took the

bombs to try to blow up the Doraha bridge, an enterprise which failed, and they subsequently buried the bombs under a canal bank.

When he heard of the police inquiries and the arrest of Chuhar Singh, he removed the stuff hidden in Buxa Singh's house and buried it in a wheat field, and later gave up both this stuff and the bombs to the police.

Nawab Khan (p. 141) says that on 16th February I915. Nand Singh told him. he and Gandha Singh (16) had made several bombs at his village. Nidhan Singh having sent materials and he himself having procured materials and phials at Raikot which he had buried on hearing of the police inquiries.

Before coming to the discoveries at Lohatbadi. we may deal with a tew more points relating to the use of Lohatbadi as a bomb centre.

On p. 261 Ichhra Singh savs Nidhan Singh brought some materials which were buried near a pond. Sewa Singh (p. 305) says that *on* hearing of his father Ichhra Singh's arrest he removed *inter alia* some bottles of acid and bomb material and buried them, eventually handed over the bomb material to Sewa Singh (71) and Arjan Singh, and later he gave the bottles to the police.

We may now turn to the discoveries at Lohatbadi. and may first deal with those corroborating Nand Singhs' confession.

Fazl Khan. Sub-Inspector of police (p. 326), arrested Nand Singh (53) on the 3rd March, and on the 7th and 8th March the accused recovered from the canal bank 6 loaded bombs (P. 264), and from a wheat field certain bomb materials and a bomb case (P. 259, 261 B., 261 D, 262, 263) and on the 11th March he pointed out Madho Ram's shop.

This evidence is corroborated by Mit Singh and Haidar Ali. Mit Singh (p. 312) corroborates the discoveries on the 7th and 8th March in the wheat field and on the canal bank leading to recovery of P. 261 A.B., 259, 261-C, 261-D.E., 262, 263, 264, loaded and unloaded bombs, glass phials, sandpaper and bomb ingredients. Khazan Singh was tendered (p. 213) in corroboration, but was not cross-examined, and Haidar Ali (pp. 316, 317) testifies to the recovery by Nand Singh of P. 261-B, 262, 263, 264 on the 7th and 8th March.

In addition to these discoveries Sher Sahai. Circle Inspector (p. 325). informs us that Sewa Singh took him on 1st March into the jungle, pointed out the place where he had buried the materials removed by Sewa Singh (71) and Arjan Singh (3), and gave up a bottle, P. 219 A.

He also says, as does also Ghazanfar Hussain. Head Constable (p. 326). that Lal Singh, witness, told him he had been given 2 bottles which he recovered from a well, that Ichhra Singh on 2nd March gave him 11 phials (P. 218), and that on the same day. Thakur Singh gave up some broken glass, and said 6 bombs, i.e., Nand Singh's bombs, had been removed.

Ichhra Singh (p. 260) admits surrendering P. 218. and telling Thakur Singh to give up the broken glass intended for bomb purposes.

Lal Singh (p. 308) states Sewa Singh gave him 2 bottles of yellow stuff he threw into a well and eventually pointed them out to the police and their recovery is further evidenced by Hira Singh (p. 308). and Rutna(p. 308).

Sunder Singh. *Lambardar* of Lohatbadi (p. 308) also testifies to the recovery of the two bottles by Sewa Singh and the broken glass by Thakur Singh; Kalu Mal (p. 309) to the recovery of P. 218 and Thakur Singh (p. 309) to having received some inkpots and broken glass from Ichhra Singh, the former of which were removed from the hiding place in his absence, and the latter of which he gave up to the police. This disposes of the manufacture and collection of bombs in the Punjab.

There are however, a few incidents, which are of interest as further proving the existence of bombs.

Miscellaneous Bomb References: Iqbal Singh (p. 172), a student at *Khalsa* Boarding-House says that accused Gurmukh Singh (I 7) came to him and after discussing various revolutionary matters asked him if he would look after "melons" if he brought them to him — he concluded from the general trend of conversation that he meant bombs, and his visit is corroborated from the kitchen account books of the school and is located on the 15th January (*vide* Jagendra Singh, p. 172).

The second incident relates to the incident of bombs at Dadher.

Kirpal Singh (p. 185) says that on 13th February Nidhan Singh (54) told him that there were 3 bombs as well as other things with the Dadher and Mahrana accused, whom Kirpal Singh was to bring up to Lahore for the rising on the 21st February.

On the 18th he went to Dadher and these accused gave him 3 bombs, a bottle of acid and some empty phials (P. 146 and P. 35). The bombs he took (p. 187) to house No. 1 in Lahore, where they were placed in an almirah. and the bottle of acid got broken.

Amir Ali (p. 252) says Kirpal Singh told him. he had brought these

bombs into Lahore, and Amar Singh (p. 76) says he told Kirpal Singh that Mula Singh had sent bombs to Kehr Singh (41).

Amar Singh (p. 78) states Kirpal Singh brought these bombs to the house on 19th January and told him that the bottle of acid had been broken, and (p. 79) he states the police when they raided, found the bombs there.

Sucha Singh (p. 278) states that in February at Benaras he. Pingley and Kartar Singh met a Bengali and Pingley took out of his pocket some gun cotton, and exploded it. and then went to the Bengali's house where they packed a tin trunk with bomb material.

The Discoveries in Lahore: We may here also refer to the discovery of other bomb materials at house No. 1 in Lahore. Amar Singh (p. 79) says in the house at the time of the raid there were some materials which had been brought by Hirde Ram (27) and Banta Singh (6) (p. 78)empty inkpots brought by Parma Nand (57) and Sajjan Singh (70) — Exhibits P. 30-D, P. 30-C. Kirpal Singh (p. 185) says that on the 15th February Amar Singh showed him a parcel containing powder for bombs in this house and that on the day of the raid and just preceding it Hirde Ram came in with a quantity of chemicals, nails and *Kirpans,* and that Amar Singh and Sajjan Singh (70) brought some materials. 3 loaded bombs and 4 empty cases from another house, on which Hirde Ram proceeded to prepare the stuff and fill the cases, and while this was going on he signalled to the police who raided the place.

Liakat Hyat Khan. Deputy superintendent of police, who conducted this raid, tells us that *inter alia* he found in the house 3 loaded inkpot bombs, (i.e.. the Dadher lot) 4 empty cases, material for bombs and *Kirpans*. and he is corroborated by Ghulam Haidar (p. 168).

The Meerut Bombs: Though not made by any of the accused in the Punjab certain bombs were discovered in the lines of a cavalry regiment at Meerut which were taken there by one of the principal accused viz., Pingley (59) when attempting to seduce the troops in that station.

Nadir Khan. Jamadar (p. 269) tells us that about the 20th March he went down to Benaras with Pingley. after communicating with his officers, where they met a Bengali who told him 300 bombs had been prepared for Meerut. but all but 10 had been distributed. He returned with Pingley to the lines at Meerut. with a tin box given to him by the Bengali. In the lines this box was opened and found to contain 10 bombs and 10 phials. Pingley also gave the witness written instructions P. 197 how to make

bombs. The house in lines was raided by the officers according to a pre-arranged plan, and the bombs P. 193 were found there.

Colonel Humphreys (pp. 236-37) Major Tahourdin (p. 238) and Mr. Wilkinson (A.S.P.) gave us the full details of this raid of the 23rd march, and testify to the arrest of Pingley (59) and the discovery if these 10 bombs, the glass phials and the recipe for bombs (P. 197).

These bombs have been examined by Colonel Muspratt Williams who has described to us (p. 323) in detail their composition: and has told us they are of a highly dangerous character.

We have now fully traced the suggestion, collection and use of bombs.

(7) The Collection of Arms

Closely connected with the manufacture of bombs is the collection of arms. No war or mutiny can be conducted without arms, and we have ample evidence that from the earliest days the collection and use of arms was advocated.

References in the Ghadr: Without at this stage referring to passages in the *Ghadr* relating to the taking up of arms we may refer to those passages where the preparation of arms as distinct from the using thereof is spoken of.

In *one* of the poems, which reappeared in the *Ghadr Sandesa,* the readers are advised to first practice with knives thoroughly and then learn how to handle and fire pistols before learning how to use rifles, and in the issue of 13th January 1914 there is a long article advising men to go to Kabul, where they have started manufacturing rifles. The rifle is said to be the guard of liberty, and the heroes of the Punjab are told to go to Kabul, learn how to make rifles, bring boxes full of them into the Punjab and distribute them in every district, and "to rain over the Punjab a sweet shower of guns".

How widespread this incitement was known is shown by Inder Singh's confession (p. 388), for he says that a letter was once received at San Francisco from Ajit Singh, the agitator of 1907. urging the members of the *Ghadr* society to get rifles from Kabul in order to start the revolution in India.

Here is a direct incitement to get arms together; it is a direct indication as to where arms are to be got from.

We have no evidence in this record that arms were procured from

this source, and in fact we have by no means anything like a complete account as to where all the arms possessed by the accused came from, and all we can do is to show from the evidence certain known and probable sources of some of them, and certain other methods proposed and used for obtaining weapons.

United States of America and Canada as sources of supply: We know that one of the probable sources of arms is the United States of America and Canada. Nawab Khan (p. 125) tells us that at the Oxnord meeting, held according to the Ghadr on the 26th July 1914. Bhagwan Singh one of the leading Revolutionists in America urged the audience to devote all their earnings to the *Ghadr* party so that arms might be purchased and sent to India, and he again tells us (p. 125) that when the *Korea* sailed Bhagwan Singh told him he had arranged for arms on their arrival in India.

We know also from the confession of Nand Singh (p. 410) that in Victoria after the return of the *Komagata Maru* 4 pistols were bought by Nand Singh and one Gopal Singh and cartridges and bullets were also secured, and that the latter procured a pistol at Kobe (Japan). Four of these pistols were left at Hong Kong in the custody of Mathra Singh (52) who undertook to bring them to India, they having been brought to Hong Kong in safety by being concealed in a coal-bunk on boardship. The fifth pistol was seized at Hong Kong by the authorities, and Hardit Singh, one of the party, was fined 300 dollars for being in possession of it.

On arrival in India Nand Singh saw Mathra Singh (52) (p. 416) who told him he would deliver the pistols to Hardit Singh when he came for them.

Collection of arms en route to India: En route also from America arms were collected. Amar Singh (p. 63) tells us that at Yakohama Amar Singh, Jat and Ram Rakha (65) were left behind, and at Nagasaki Nidhan Singh (54), Inder Singh (30) and Piara Singh (60) were dropped in order to go to Shanghai. These latter three admit they did leave at Nagasaki and proceed to Shanghai, but ascribe perfectly innocent reasons for the change.

In regard to the two who alighted at Yokohama. Nawab Khan (p. 126) says Jagat Ram (31) when questioned told him they had got off "for a useful purpose of the *Ghadr* Party which cannot be divulged" and Amar Singh dropped a hint they had been landed to procure arms and in regard to the other three, he says they were landed with secret instructions

from Kesar Singh (41), Jowala Singh (36) and Jaggat Ram (31).

We have seen that from Nagasaki three of the accused went off to Shanghai.

Jawala Singh (p. 115), who was picked up at Shanghai by Nidhan Singh's party, says Nidhan Singh told him arms would be plentiful in India, and that pistols should be brought along in false-bottomed buckets. He says that Nidhan Singh and others had such buckets. He also states he provided himself with a pistol in Shanghai, but as he on board in one of his drunken fits wanted to shoot a Japanese passenger, Nidhan Singh, took it from him and threw it overboard.

Mula Singh (p. 92) says that at Shanghai he was given 6 automatic pistols and 600 rounds of cartridges by one Karam Chand. who told him he had got them from a German friend for use in India, which he gave over to Nidhan Singh on his departure on the *Mashima Maru*. He also tells us that from there he wired to Bhagwan Singh at San Francisco to send him arms, but got a reply telling him to wait.

In this story Mula Singh is corroborated by Umrao Singh (p. 366) who says that as the *Mashima Maru* left Shanghai Mula Singh gave Nidhan Singh 6 pistols and ammunition and he further says that when the boat reached Hong Kong Nidhan Singh gave pistols to Rur Singh (82), Dhian Singh (one of Ferozeshahr murderers), Hari Singh and Amar Singh who have not been challaned.

Prior to the arrival of the *Korea* in Hong Kong it was known that there were police searches made of all passengers at Hong Kong, and we are told by two of the approvers that search for arms was instituted by the leaders of the revolutionists on boardship. Amar Singh mentions the incident on p. 63 but does not refer to the discovery of any arms, though he states on p. 88 he heard there were 2 revolvers on the *Korea,* but Nawab Khan (p. 126) says that on a prior search to this Jaggat Ram (31), Kesar Singh (43) and Jawala Singh (36) ordered all possessing pistols or cartridges to give them up, whereon all but 3 men gave up theirs. These three protested that if they gave up their arms they would be helpless to resist arrest, but after some argument they too consented to give their arms up. At the time of second search conducted by Jawala Singh (36), Rur Singh (82) and witness no arms were found.

This evidence establishes that there were arms on the board.

On arrival at Hong Kong, Nawab Khan (p. 129), says that when he went to Canton to interview the German Consul there he met Udham

Singh (77), who told him he had come to purchase revolvers.

After departure from Hong Kong the *Tosha Maru* stopped at Penang where they met the *Mashima Maru* (p. 131-132) and Nawab Khan says that one party, consisting of himself. Rur Singh (82), Nidhan Singh (54) and 2 others, not accused, was deputed to enquire about dealers in arms, and another party, consisting of Jawala Singh (36). Amar Singh, Pirthi Singh (58), Sher Singh (73) and another, went to find out what arms there were in the *thanas*. Reports were made but nothing happened.

This incident is, however, not referred to by Amar Singh, but we see no reason to disbelieve Nawab Khan.

Nawab Khan (p. 132) further says that when they reached Rangoon they went to a Pathan dealer in arms, but he declined to sell them any.

That there were some arms on board the *Tosha Maru,* is evidenced by Nawab Khan. He tells us, according to the notes of two of the commissioners and the magisterial statement, that Jagat Ram (31) told him he had tried to smuggle in 7 revolvers on arrival at Calcutta, but he had been obliged to leave 6 of them in a suitcase in the cabin of a Bengali doctor and had managed to get one away which he had handed over to Sher Singh (73). He also says that Pirthi Singh (58) and Amar Singh had 4 revolvers and Sher Singh's men who had come from Canada had 3. He also tells us (p. 144) that one Bhagwan Singh of the *Tosha Maru* told him he had managed to smuggle in a pistol.

The story of Jaggat Ram's attempt is corroborated in a very striking manner by Mr. Slattery.

He tells us (p. 331) that he found on the *Tosha Maru* in Calcutta on the 29th October a suit case (P. 292) containing 2 automatic pistols, 4 revolvers and about 200 rounds of ammunition, and these articles have been produced before us.

Nawab Khan (p. 140) also tells us that Kartar Singh (39) told him at Jullundur how 100 pistols had been sent to Sohan Singh (74) for the use of Gurdit Singh and the *Komagata Maru* men, which Gurdit Singh told Kartar Singh at Kobe he had received, and further how he had obtained 5 pistols and revolvers from relatives in the States, which he had given to the Ferozeshahr murderers and Nidhan Singh (54).

In addition to this evidence we have one very strong piece of evidence showing the actual importation of arms from abroad.

Kashi Ram's box: Nawab Beg, Jailor (p. 329), says that shortly before the execution of Kashi Ram, one of the Ferozeshahr murderers,

he was visited by his father, and the father was told that some things were coming from America for him and he should have a care for them.

Mr. Clements, Preventive Officer of the Customs in Calcutta, tells us (p. 234) that on 27th March he boarded the *Kawachu Maru* under instructions, and there seized 2 boxes marked K.R.M. and K. Ram. which he took up to Delhi under orders. On being opened in the presence of Sir Charles Cleveland, Mr. Petrie and Mr. Connolly, there were found, so far as he remembers, in false bottoms 2 automatic rifles, one Mauser revolver, 1500 rifle rounds, 300 revolver rounds, cleaning implements, cartridge belts and clips.

Mr. Petrie (p. 328) gives corroborative evidence and speaking from a list prepared at time of search testifies there were two rifles, one Mauser pistol, 900 rifle cartridges, 350 revolver cartridges, 4 cartridge belts and clips. These articles and the boxes (P. 190 A, B.) have been produced in court before us.

Importation by Nidhan Singh: The use of false-bottomed buckets for importation is further evidenced by Jawala Singh, who tells us (p. 116) that when Nidhan Singl's gang collected at Moga in November 1914, Nidhan Singh brought such buckets with him, and *inter alia* under a false bottom were three pistols and cartridges which Dalip Singh, Gandha Singh (16) and Dhian Singh, all Ferozeshahr murderers, took with them.

This concludes the direct evidence we have as to the introduction of arms from abroad, but it does not conclude the methods for procuring arms proposed and attempted by the revolutionists.

We have seen from Nawab Khan's statement that it was proposed at Penang to get arms from the *thanas*. This was an old standing idea of the revolutionists who also had an idea of raiding guards on bridges.

Raiding thanas and bridge guards: Nawab Khan tells us (p. 125) that as the *Korea* sailed Bhagwan Singh advised the emigrants to get arms in India by force from the police stations. He also says (p. 129) that on the *Tosha Maru* it was resolved by the committee of the revolutionists that on arrival they should muster their men, attack police stations, and equip themselves with arms and ammunition thereby. He also tells us (p. 134) that at the Ladowal meeting on the 17th November Jaggat Ram (31) proposed that as arms had not arrived from America, they should be procured by attacking the *thanas,* and further on p. 137 he asserts that Kartar Singh suggested an attack on *thanas* on 4th December. Ichhra Singh (p. 255) tells us that Gandha Singh (16) and Buta Singh (12) told

him in November that attacks on thanas were part of their scheme.

Jawala Singh (p. 116) says that the question of looting *thanas* for guns was discussed in Nidhan Singh's gang, and was suggested by Roda Singh (67) and that Nidhan Singh proposed attacking the Gidarbaha police post — an enterprise, however, which was abandoned after preparations had been made to carry it out.

We may also here refer to the Lopoke *thana* affair: this was a suggestion made by Liakat Hyat Khan to Kirpal Singh, spy, as a ruse to get the conspirators together on the 20th February and so secure their arrest. Kirpal Singh did suggest it to the revolutionary party, and it was readily agreed to, but the plan was not carried out owing to the break-up of head-quarters on the 19th by the police raid. This of course cannot be used against the accused as a suggestion of theirs; it can only be used as an illustration of their readiness to accept such a proposal in furtherance of their cause.

We have no evidence of any actual attempt upon any *thanas,* but in respect to attacks on railway bridges for the express purpose of procuring arms we have ample evidence.

Nawab Khan (p. 137) says that on 4th December it was decided by the marauding gang of which he was a member, to attack the guard on the Safed Bain bridge and seize their rifles, and it was arranged that Kartar Singh should collect, men on the 10th December for this purpose. The proposal was again considered (p. 139) at Burobarian, as also was a proposal to get arms from *thanas*. The proposal was, however, held over for a time, but after the failure of the Bhimwal dacoity, the gang decided to meet at Chaheru on the 19th December to attack the Railway Bridge. It was also decided that men should be got together at Kupp for the enterprise on the 17th December, and Rulia Singh (68). Gandha Singh (16) and Amli were deputed to collect the men from the Nawashahr side and Kartar Singh (39) went off to Amritsar, leaving instructions that if he failed to reach Kupp on the 17th, he, Nawab Khan, and his party were to attack the Doraha bridge on the 19th simultaneously, with an attack to be arranged by Kartar Singh on the Bain Safed bridge. This scheme so far as Nawab Khan's part is concerned came to nothing for Nawab Khan was arrested on the 19th December.

That, however, the Doraha bridge was thought of as a fit place to attack is evidenced by Ichhra Singh. He says (p. 225) that in December Gandha Singh (16) — who, it should be noted. Nawab Khan says was

sent out to get men — came to Lohatbadi, and it was finally decided to collect men to attack the Doraha Bridge. Sewa Singh (71). Gandha Singh (16), Chuhar Singh (13), Arjan Singh (3) and one Puran Singh actually set out for the enterprise arranging to meet near Gurthali, but they returned 3 days afterwards with the report that finding two armed soldiers they had given the enterprise up.

We have already referred to Nand Singh's confession in the section dealing with bombs, He mentions (p. 423) the same persons as having met at Gurthali, where they were joined by Harnam Singh and Banta Singh (6) and others, whence they proceeded to the Doraha bridge to attack the guard there, but getting frightened they abandoned the design.

The same bridge was also discussed in Lohatbadi as a good place to attack in January (see Puran Singh p. 307), and Uttam Singh of Hans (p. 306) says Buta Singh (12) and Gandha Singh (16) sent a number of men from Ferozepore to attack this bridge on the 21st February.

The witness went, but the attack failed as the other party did not turn up.

We have during the course of this conspiracy trial had occasion to try the Walla bridge murder, the facts of which are sufficiently well known.

That bridge was successfully attacked on the 12th June, two men were murdered at the bridge, two by the escaping murderers, and a quantity of rifles stolen. Five men have suffered the extreme penalty and one of them is Banta Singh (6) who we have seen is mentioned by Nand Singh as one of the gang which contemplated the raid on the Doraha bridge; and one of the alleged criminals who is absconding is Jawand Singh (35) who is wanted in this case.

We have no doubt whatever that the Walla bridge affair is an integral part of this war and it gives point to the evidence regarding similarly contemplated outrages.

Attack on magazines and arsenals: An important method of raising arms discussed and attempted by the revolutionists was the attacks upon forts and arsenals.

Ichhra Singh (p. 255) tells us that in November he was told by Buta Singh and Gandha Singh that the attack upon forts was an integral part of the programme.

That it was, is proved by evidence of proposals to attack Mian Mir and Ferozepore.

The first projected attack on Mian Mir was fixed for the 25th November 1914.

Amar Singh (p. 68) tells us that prior to the Moga meeting of 19th November Kartar Singh (39) told him it had been arranged for a sepoy in Mian Mir to assist them in looting the magazine. At the Moga meeting Kartar Singh again mentioned this fact, and the next meeting was fixed for the 23rd at Mullanpur. and it was arranged all were to meet at Mian Mir on a fixed date with every available man. Witness got his cousin Ram Rakha (65) to agree to join.

At the Mullanpur meeting (November 23rd) at which Nawab Khan, Nidhan Singh (54), Jaggat Singh Dhian Singh, Chanda Singh. Rahmat Ali Khan. Jiwan Singh, all Ferozeshahr murderers, and Kartar Singh (39) and others were present. Nawab Khan and others were given money provided by Nidhan Singh and Kashi Ram to collect their men, and it was arranged the magazine was to be raided two days later, Nawab Khan and his men were to break up the railway line, and Kartar Singh was to arrange to destroy the telegraph wires. On the appointed day he went himself to Lahore, where he met Kartar Singh who told him the sepoy, who had undertaken to help, had left Lahore, and, as it was a hopeless undertaking under the changed circumstances, Chanda Singh and Dhian Singh had been despatched to Ferozepore to stop men coming from that direction.

Nawab Khan (p. 135) says that at the Moga meeting of 19th November which was attended by Kashi Ram, Jiwan Singh, Kartar Singh (39), Amar Singh, Nidhan Singh (54) and himself, Kartar Singh told them that Parma Nand (56) had arranged for an attack on Mian Mir in order to procure arms.

Nidhan Singh and Kashi Ram were sent with Kartar Singh to satisfy themselves as to its feasibility, and it was arranged that they should all meet at Badowal/Mullanpur, on the 23rd November to fix a date for the attack.

On the 23rd November there was a gathering a Badowal (Mullanpur) attended by witness, Gandha Singh (16), Chanda Singh. Dhian Singh, one Jabru, Kashi Ram, Kartar Singh (39), Nidhan Singh (54), Amar Singh and Jaggat Singh.

They were assured that Kashi Ram and Nidhan Singh had been satisfied as to the possibility of the attack after a discussion with Parma Nand (56), and it was agreed that night attack should be made on the

25th November. The party broke up with an agreement to collect men.

On the 24th November he got promises from Rulia Singh (68), and several others to meet on the 25th at Ludhiana, thence to proceed to Lahore.

On the 25th morning he went to Ludhiana and there met Dhian Singh. Jiwan Singh and Rahmat Ali, who told him that Kartar Singh (39) had sent them to warn men coming up to Lahore that the scheme was off and to direct them to assemble at Ferozepore on the 26th, and he thereupon sent Rulia Singh (68) to Lahore to expostulate with Kartar Singh.

Jawala Singh (p. 117) gives a full account of the matter. He says he went with Nawab Khan to Badowal, though he was not at the meeting, and there saw Nidhan Singh. Kartar Singh, Jaggat Singh and Hari Singh. After the meeting he was told to go to Moga and there await orders. At Moga Nidhan Singh told him, Dhian Singh. Amli and Hari Singh (26) that they were to assemble on the 25th November in some thickets by the Mian Mir Station, and told them that the armoury key would be obtained and that having secured arms they were to attack the Territorials. After gathering a few more men together he went on the morning of the 25th to Ferozepore with Kala Singh, meeting there Hari Singh (26), Dhian Singh and others and thence to Mian Mir. They assembled in some thickets near Mian Mir, where they stayed till 10 p.m. About that time Jaggat Singh (Ferozeshahr murderer) came and said the leaders wanted them in Lahore, and Dhian Singh was sent in to find out what had happened while the remainder rested in some bushes by the side of the railway. In the morning Dhian Singh returned and booked them to Ferozepore where Nidhan Singh explained that they had failed to get the keys of the armoury.

Umrao Singh (p. 336) also tells us that he heard from Lal Singh in November that a meeting was to take place at Moga to arrange for an attack on some cantonments, and he sent Arjan Singh from Ludhiana to Moga and also saw Roda Singh depart for it.

Both Nawab Khan and Jawala Singh tell us that after the failure of the attempt at Mian Mir they were told to assemble at Ferozepore. This was preliminary to a projected attack on the Ferozepore arsenal.

Nawab Khan (p. 136) states he despatched to Ferozepore on 26th November 1916, Dhian Singh, RahmatAli, Bakhshish Singh, Jiwan Singh and Arjan Singh (the Anarkali murderer), and the next he heard of these

men was that they had committed the Ferozeshahr murder.

Jawala Singh (118) says that from Mian Mir. Dhian Singh (II) booked Gandha Singh (16), Hari Singh (26). a Sursingh man, and Amli to Ferozepore where they met Kartar Singh (39). Jaggat Singh. Nidhan Singh (54) and others. Under directions they met outside the city on the Jalalabad Road, and Nidhan Singh explained they had arranged to get arms from a Pathan Regiment in Ferozepore on the 30th November, and directed them all to meet in order to attack the arsenal on that date. Thereafter to fill in the time it was proposed to loot the Moga treasury, a proposal which led to the Ferozeshahr murders, an adventure which necessarily carried with it the abandonment of the design on the arsenal.

In connection with this proposal Ichhra Singh (p. 255) says Gandha Singh (16) told him at Lohatbadi, that he was one of the party that had gone o Femzepore to procure arms, and that Nidhan Singh (54) and Kartar Singh (39) were with him at the time.

We may note here that other attacks on both Mian Mir and Ferozepore were contemplated for the day of the rising: but a consideration of these must be deferred, for though the securing of arms thereby was hoped for. they were distinct acts of war in themselves.

We have now to refer to other methods employed in India to secure arms.

Obtaining of arms from Bengal and down country: Amar Singh (p. 67) states Jaggat Ram told him it had been decided at Lohatbadi on 17th November to collect arms, and he also told him later that money deposited with Parma Nand (56) had been given to Kartar Singh (39), who had gone off with Parma Nand (57) to Benaras and Calcutta to buy arms. He later met Kartar Singh (39) in Lahore, who told him he had failed to get any, and that Jaggat Ram had gone off to Peshawar to secure some there.

In connection with this attempt to secure arms from down-country, Amar Singh further states (p. 69) that when he met Sanyal in Jullundur in December, the latter said it was difficult to get arms in Bengal, but he gave Kartar Singh a pistol and cartridges.

He also says (p. 69) that at the meeting at Amritsar on the 31st December it was again decided to collect arms, and (p. 71) that when Rash Behari Bose came with Rao to Amritsar his companions brought four revolvers and some cartridges which were placed in an almirah. These revolvers he says (p. 73) were removed to Lahore when Rash Behari Bose moved there on the 2nd February, the bundle being carried

by Kirpal Singh (46), and deposited in the Gawal Mandi house. Iqbal Singh (p. 171) states that Kirpal Singh (46), when he visited him in February, boasted of having brought this bundle of revolvers in. We will have occasion to refer later to this bundle of revolvers. At present we are merely concerned with the attempts to secure arms from Bengal.

Mula Singh (p. 95) also says that after his arrival in Amritsar he was expecting arms from America, which did not come, and that Jaggat Singh (32). Lal Singh (49) and Inder Singh (30), told him arms which had been expected from Bengal had not come. He says also he was present at the meeting of the 31st December, when Parma Nand (57) told him of his and Kartar Singh's fruitless trip down-country, and it was decided that arms must be got. He states (p. 97) that on 12th January 1915; he gave Sanyal Rs. 500 partly to get arms with. He also says that when Rash Behari Bose came to Amritsar, the latter told him arms could be obtained, and that soon after Hirde Ram (27) was sent down to Benaras for pistols, and he and Rao brought 4 pistols at the time and bombs P. 25 A-D. were brought, which witness placed in an almirah in Atri's house.

These pistols he also says were taken by Kirpal Singh (46) to Lahore when Rash Behari Bose moved there. He further says that on the day of his arrest he met Parma Nand (57) in Amritsar who told him arms were now procurable in Benaras.

Jawala Singh (p. 116) in connection with the same subject says that in November Nidhan Singh (54) sent him with a message to Roda Singh (67) to go with Amli to Mahrana Station and await a consignment of arms from Bengal. The consignement however, never came and Nidhan Singh got a letter why. Nawab Khan (p. 134) also refers to the discussion at Ladowal on the 17th November regarding the need of arms and the subject was again referred to on the 19th November at Moga, and on p. 140 he says Kartar Singh told him at Jullundur that he had been sent down by Parma Nand (56) with Rs. 2000 to get arms in Calcutta, but he had failed to get any. He further tells us (p. 138) that Amar Singh told him the Bengal party wanted Rs. 200 from Kapurthala for arms, and he would go and get it from one Sunder Singh of Simli.

Umrao Singh (p. 339) also says that one day in February he met Parma Nand (57) at Lohatbadi and the latter told him he had once been to Bengal in a fruitless endeavour to get arms.

Ichhra Singh (p. 250) says that Parma Nand (57) came to him in Lohatbadi with Arjan Singh, the Anarkali murderer, saying he intended

going to Bengal for revolvers. This was in January, and witness advanced him Rs. 30 for his fare. Parma Nand told him he would bring 4 revolvers, and consign more to Kupp station, but no arms ever came.

The obtaining of arms from Patiala and the collection of arms in Lohatbadi: Another place where it was hoped arms could be obtained from was Patiala.

Jawala Singh (p. 116) says that in November he was sent to Patiala to get a rifle, but he failed to do so.

lchhra Singh (p. 256) states that on the 20th January it was decided he should go to Patiala and secure arms and ammunition through Sunder Singh, Inder Singh and Karam Singh (40). He says he went to Akalgarh with Rs. 150 where he met Sundar Singh who showed him four swords and a dagger; from there they went with Karam Singh (40) to Patiala, where one Kartar Singh showed them a sword, and said he could make cartridges, and offered to procure him a gun and loading implements.

He then went home, and subsequently he gave Gandha Singh (16) Rs. 10 to buy materials for making cartridges through Inder Singh of Patiala. Gandha Singh and Inder Singh came to his house and made gunpowder and left behind some lead, sulphur, saltpetre, etc.

Inder Singh was unable to make cartridge cases, and departed with the intention of making them at Sangrur. and Gandha Singh (16) and he made more gunpowder. The next day Gandha Singh and Sewa Singh went to Akalgarh where they, Sundar Singh and Karam Singh (40) returned with 4 swords, a *khanda,* a knife and a single-barreled gun, which he Ichhra Singh, took possession of. -

Shortly after Inder Singh came and confessed his failure to make cartridges, but said they could be procured at Sangrur.

We may for convenience sake follow up these materials at this stage.

Sewa Singh (p. 305) says that gunpowder was made at the Gurdwara by Sewa Singh (71) and Gandha Singh (16). and he further states that after his father's arrest he removed the gunpowder, a gun. two swords, and some lead and buried them in a pond. Later Sewa Singh (71) and Arjan Singh (3) removed the gun and swords, and the other articles he, witness, handed over to the police.

Udham Singh of Hans (p. 306) says that he saw in January 2 or 3 swords, a dagger and a gun at the Lohatbadi Dharamsala, Sundar Singh, Karam Singh (40) and Nidhan Singh (54) being there at that time.

Narain Singh (p. 263) says that in January, Gandha Singh (16) said

he would go to the Doaba to get arms, and he lent him his camel. Later on Ichhra Singh again asked him for his camel to fetch arms from Patiala. He lent it, and Gandha Singh (16) and Sewa Singh went off and returned telling him the arms had been placed in the dharamsala.

He also states (p. 263) that at the dharamsala he saw Inder Singh of Patiala, vainly endeavouring to make cartridge cases, eventually going off to try elsewhere.

He also says (p. 267) that after the Rabbon dacoity he saw Gandha Singh (16) and Sewa Singh (71) pounding gunpowder, and he assisted them, and further that at Sewa Singh's (71) request he went to Ichhra Singh and brought 3 swords from him which he gave to Sewa Singh.

Thakur Singh (p. 309) states that one night he saw 5 or 6 swords in a box in Ichhra Singh's Gurdwara, but the next day they were gone.

Ichhra Singh (p. 260) states that one of the daggers was taken away by Gandha Singh (16). the other (P. 217) buried in a pond, which he got Gajindra Singh to deliver up to the police. He also says his son and he gave up a sword hilt (P. 219 A) and some lumps of lead (P. 221) and a *gandasa,* which he had as well, was given to the police at his instance by Gajindra Singh.

Sher Sahai (Circle Inspector) states (p. 325) that on 1st March 1915. Sewa Singh gave up to him gunpowder, lumps of lead and pointed out where he had hidden the arms removed by Sewa Singh (71) and Arjan Singh (3) and on 2nd March Gajindra Singh produced a scabbard (P. 225) and a dagger (P. 217).

He is corroborated in regard to both discoveries by Sundar Singh. *Lambardar* (p. 308).

There appear to have been other miscellaneous efforts to procure arms.

Miscellaneous efforts: Mula Singh (p. 168) says he once sent Harnam Singh (24) to one Bir Singh, Havaldar of Thikiriwala. to get whatever arms he could spare, and Nawab Khan (p. 140) tells us Kartar Singh and he visited one Ajit Singh of Guru-Ka-Jandiala with the same object.

Arms connected with particular accused: We may now turn to consider the procuring of certain arms by certain of the accused.

(i) Kidar Nath (48): Amar Singh (pp. 71-83) states that in January he met Kidar Nath in Lahore and asked him if he could procure a revolver, to which Kidar Nath replied he could get one immediately, and also offered to procure a gun which was not needed and he, further says that

on a subsequent visit Kidar Nath gave him a revolver, and he, witness, gave him Rs. 40 for cartridges, the revolver being placed in the Gawal Mandi house. He further states that on the 11th February (pp. 77-83) he handed over this particular revolver to Kirpal Singh, spy, who was already in possession of another revolver and cartridges.

Mula Singh (p. 100) says Amar Singh told him he had obtained a gun. a revolver and country-made pistol from one Kidar Nath or Amar Nath and both Liakat Khan (p. 155) and Ahmad Khan say Mula Singh gave them this information on 14th March, 1915.

This matter is discussed more fully in the part dealing with the charges against Kidar Nath.

(2) Madan Singh: Mula Singh (p. 98) Says that in January he told Amar Singh to send Madan Singh to Sukkur to see if arms were obtainable there, and Amar Singh returned after dispatching him. and on (pp. 101-102) he says Madan Singh brought him a country-made pistol (P. 25 E) was found by Ahmad Khan in the Wachhowali house on the 24th February — *vide* Ahmad Khan (p. 159). Charanji Lal (p. 167) and Diwan Chand (p. 166); and according to Amar Singh (p. 78), it formed part of the parcel brought into Lahore by Parma Nand (57) from Mula Singh's house in Amritsar after the latter's arrest on 13th February, and in this he is corroborated by Kishan Singh, *Sadh,* who says (p. 209) it was one of the articles taken out of Mula Singh's almirah by Balwant Singh. This incident of the broken cupboard, which we have already had occasion to refer to in connection with the bombs removed at the same time, is also corroborated by Liakat Hayat Khan (p. 152) and Gurbakhash Singh (p. 208).

(3) Hirde Ram (27): Amar Singh states (p. 77) that on the 14th February Rash Behari Bose gave witness an envelope for Hirde Ram (27) to take to one Amar Singh, and to bring into Lahore whatever the latter gave him.

He says (p. 78) that on the 18th February Hirde Ram came with a revolver (P. 27) in a leather case which he deposited in the Gawal Mandi house.

The revolver (P. 27) was discovered by Ahmad Khan on the 22nd February in the Gawal Mandi house *vide* statements of Ahmad Khan (p. 157), Mr. Tresslor (p. 166) and Nur Din (p. 166).

(4) Dadher and Mahrana accused: Mula Singh (p. 104) says that after the abortive attempt of dacoity at Kartarpur, Balwant Singh (5)

returned with three revolvers including P. 48-49 and cartridges which he told him to take to Wasakha Singh of Dadher (80), and he states (p. 105) that on the 13th February Balwant Singh came and told him he had delivered them.

Liakat Hayat Khan (p. 152) states that Mula Singh informed him of this fact about the 25th February, and he sent Amir Ali to Dadher to search, and he also alleges that later on Wasakha Singh (80) gave up a box (P. 86) containing two revolvers (P. 48-49) through his uncle saying he had got them from Balwant Singh (5).

This discovery along with 13 cartridges is corroborated by Sham Singh, *Zaildar* (p. 204), Kishan Singh (p. 205), Sham Singh (p. 205) and Jana (p. 205). and by Amir Ali. Inspector (pp. 248-252). who says that at first Wasakha Singh denied having received any.

The third revolver and some more cartridges (P. 164-A. B) were according to Amir Ali given up (pp. 249, 252) by Kehr Singh (41) of Mahrana on 28th March 1915 and his discovery is also testified to by Ujagar Singh (p. 205) and Mahn Singh (p. 254), both *lambardars*.

The possession of arms by these men in the interval is further testified to.

Kehr Singh (41) was in Lahore on the 13th February, and he was deputed to help Kirpal Singh, spy, in the proposed attack on Lopoke *thana,* and Amar Singh (p. 76) says he told Kirpal Singh that Mula Singh sent two revolvers to Kehr Singh.

Kirpal Singh (p. 185) states that on setting off for Dadher, Nidhan Singh (54) told him there were 3 revolvers with the Dadher and Mahrana accused, and he states that the accused themselves told him at Dadher that they had 3 revolvers, which they would bring along with them on the 20th February for the proposed rising.

(5) Baj Singh (4) and Balwant Singh (5): This is a separate matter from the Dadher matter in which Balwant Singh was also said to be concerned.

Mula Singh (p. 103) says that early in February Balwant Singh came to him with 100 rounds of ammunition from Baj Singh (4) which he placed in the Moni Chauk house, and Amir Singh (p. 78) says that Parma Nand (57) after Mula Singh's arrest brought in a bundle of cartridges *inter alia* from Amritsar, which were deposited in the Wachhowali house.

In that house Ahmad Khan (p. 157) found 60 cartridges (p. 116),

and in this he is corroborated by Diwan Chand (166) and Chiranji Lal (167).

In connection with this same accused Balwant Singh, Gopal Singh (p. 192) and Buta Singh (p. 192) state they were present at a search of his house on 11th March 1915 when 5 rifle cartridges (p. 131) were found there and Ahmad Khan states (p. 160) these cartridges and a rifle were brought to him by Muhammad Sadiq.

The Lohatbadi gang – Arms at Lohatbadi: We have already discussed in detail the arms actually discovered in Lohatbadi. We have, however, to notice here some further references to the possession of arms at different times by some of the accused.

Ichhra Singh (p. 255) states that Gandha Singh (16) in his presence asked Buta Singh (12) in November if he had made arrangements for arms, and at the same time showed them an automatic revolver loaded and also some 40 or 50 spare cartridges, and he also states that at a meeting at the school on the 20th January Gandha Singh again showed, the party his pistol, and he, witness, showed 2 daggers. Uttam Singh had also a pistol. It was decided on the 21st to buy 2 guns, and Uttam Singh and he sent Buta Singh Rs. 150 and Rs. 10 to procure a gun. The money was returned as a gun was not procurable, and he sent Rs. 135 back with Nand Singh out of which the latter wanted to retain Rs. 65 to get a revolver with.

He also states (p. 259) that after the Jhaner dacoity he gave the dacoits Rs. 95 to bring a gun, and that Nand Singh (53) kept Rs. 65 out of the prior Rs. 135 to buy a revolver with.

This matter is also referred to by Nand Singh in his confession.

He says (p. 418) Ichhra Singh took Uttam Singh and himself to his house and said 2 guns were available, and asked him for Rs. 150 to buy them with. They promised to get the money from home, and next day Uttam Singh gave him Rs. 150, which he took to Buta Singh. He eventually heard Buta Singh had failed to procure the gun.

He also says (p. 420) that Rs. 135 were returned by Buta Singh, and further that he was given Rs. 65 out of this to purchase a pistol with, which he tried to get from one Puran Singh without success.

There are a number of other references to the use and possession of arms on the record, which we may briefly touch upon.

Miscellaneous references to possession of arms by conspirators: Amar Singh says (p. 74) that about 8th or 9th February Mula Singh asked him

to go to Lahore from Amritsar and fetch 3 revolvers which Rash Behari Bose and taken there, and he did so and handed them over to Mula Singh, Mula Singh (p. 103) referring to the same incident states that Rash Behari Bose and Kirpal Singh (46) on going to Lahore took with them 4 pistols of .380 bore including one which was out of repair (he having had 5 or 6 pistols some of which of .450 bore he had given to Arjan Singh and Jaggat Singh for the Chabba dacoity).

After they had gone he was told Teja Singh had left 50 rounds of ammunition which Arjan Singh and Jaggat Singh told him would fit the revolvers taken away by Rash Behari Bose, and he accordingly sent Amar Singh to fetch them back, which he did, and they were handed over to Jaggat Singh and Arjan Singh. One of these revolvers was P. 55, which was subsequently found on Arjan Singh after he had committed the Anarkali murder on 24th February 1915. (See evidence of Ahmad Khan, p. 157).

Mula Singh (p. 97) states that after the 11th January, Kartar Singh (39) gave him a revolver and cartridges, and he also states (p. 103) that in February he gave a stranger, introduced by Nidhan Singh, Rs. 300 to buy a gun and a pistol with. On the same day he states (p. 104)Nidhan Singh supplied him with a long knife (P. 30-A), which he deposited with other arms in the Chauk Moni house.

He states further that when he was arrested on the 13th February he was found in possession of one cartridge (P. 52), a rifle sight (P. 53) and a lot of keys, some of which opened the almirah in the Chauk Moni house where he had deposited arms a matter corroborated by Ali Haidar Khan (p. 348) and Liakat Hayat Khan (p. 156). Nawab Khan (p. 140) says that Kartar Singh (39) told him at Jullundur that Parma Nand (57) had given one revolver to Parma Nand (56) who, in his turn, had given it to him (39), and further that Parma Nand (56) had sent Jaggat Ram (31) with Rs. 500 to get arms in Peshawar.

He also says (p. 134) that at the Ladowal meeting on 17th November 1914. Nidhan Singh (54) told him his party had 5 pistols, and Kartar Singh said money had been given to Gujjar Singh (17) to get *gandasas* made.

He also states (p. 135) that at the Badowal meeting on 23rd November Gandha Singh (16), Chanda Singh and Dhian Singh had pistols in their possession, and was told that Parma Nand (56) had sent Jaggat Ram (31) with Rs. 500 to get arms in Peshawar.

He also says (p. 137) that after the Ferozeshahr murder when

wandering about with Gandha Singh (16), he borrowed a pistol from the latter for self-protection when going into Ludhiana, and at Ludhiana he was told by Kartar Singh (39) that Nidhan Singh (54) had gone down to Delhi to get arms and was expected back on the 5th December with some.

Kirpal Singh spy (p. 186), states he gave a pistol (P. 56) to Parma Nand (57) which he had himself received from Rash Behari Bose and on p. 185 he says that on 15th February 1915, Amar Singh in Lahore had a bundle of pistols and cartridges, and asked him to get a pistol repaired in the Cavalry Lines. Liakat Hayat Khan (p. 151) says that on 16th February 1915, Kirpal Singh, with whom he was in communication, showed him this pistol. P. 56.

Thakra Singh (p. 309), a licensed gun-dealer, states that he supplied Dalip Singh (deceased) and Deva Singh (15) with two guncaps, and Inder Singh (p. 311) states he heard Kishan Das, *Sadh,* tell a gang of dacoits, who visited his dharamsala, he would supply a gun from a Subedar. Some days later these men came with Rs. 50 to pay for it.

Sucha Singh (p. 273) states that in January, the day before the Sahnewai dacoity, Kartar Singh showed him a revolver which he got from Ram Rakha (65) and on p. 274 he says he saw Balwant Singh (5) and Kartar Singh (39) mending a revolver.

Jaimal Singh (p. 293) referring to the day before the Sahnewal dacoity states he saw Ram Rakha with a pistol at the boarding house.

Sardar Ali (p. 220) states that the gang he saw collected at the Jhar Sahib on 28th November was armed.

Police discoveries: We may conclude this part dealing with the procuring and possession of arms by noting police discoveries of arms other than those already referred to.

Jawala Singh (p. 118) says that when Roda Singh and he were arrested at Moga on 30th November 1914, Roda Singh was found to be in possession of a pistol, and police constable Pir Bakhsh (p. 327), who effected the arrest, states he found on him the pistol P. 280-A and 49 cartridges (P. 289-B), some of which actually fitted a weapon discovered on the arrest of the Ferozeshahr murderers.

Liakat Hayat Khan states (p. 151) that in house No. 1 a revolver (p. 56), a dagger (p. 30-A) and another revolver were discovered, and Amar Singh (p. 79) gives similar evidence. Ahmad Khan (p. 157) states he found p. 29 miscellaneous cartridges, a sword stick (p. 105) besides the

pistol (p. 27) already referred to in the Gawal Mandi house on 22nd February 1915, and he is corroborated by Mr. Tresslor (p. 166) and Nur Din (p. 166). The cartridges p. 29 Amar Singh states (p. 79) he transferred to this house on the 19th February, receiving them from Rash Behari Bose. Amir Ali (p. 249) states that on the 27th March on the information of Baj Singh (4) he searched the house of one Lal Singh of Raya, and found there a large collection of cartridges and bullets (p. 163-A, B, C.) which had been deposited there by Balwant Singh (5), and in this he is corroborated by Jawanda (p. 205).

Use of arms: We have seen some of the methods used to procure arms, and we have further seen that several of the accused were from time to time in possession of arms.

(1) The dacoities: We will see in due course how these arms were used in several of the dacoities committed by the revolutionists and we have seen how the marauding gangs were almost invariably armed.

(2) The murders: We need only refer very briefly to few more uses made by the revolutionists of these arms. We know that arms were used to commit the murders at the Walla bridge, and of Sardar Bahadur Achhra Singh and S. Chanda Singh, and we also know that arms were used with fatal effects in the Ferozeshahr murder.

It is unnecessary to refer to the incidents of these murders, but we may be permitted to mention since it is in direct evidence in this case that after the Ferozeshahr murder Muhammad Sadiq (p. 327) and Gulam Kadir (*Zaildar*, p. 327) found a revolver (p. 286), a *takwa* (p. 287) discharged cartridges, 5 *chhavi* blades (p. 288) and 49 loaded cartridges on the spot.

We have also seen that the desperate nature of the revolutionists and show to what lengths they were prepared to go in their resistance to arrest as well.

(3) In resisting arrest: Four of the accused before us also attempted to resist arrest by means of arms fortunately without fatal results to the officers engaged in attempting to seize them.

The first of these in Pirthi Singh (accused 58). He was arrested on the 8th December 1914, at Ambala, after a desperate struggle in which Amar Singh, Sub-Inspector Police (p. 200), was rendered unconscious by the accused and Kalian Singh. Fortunately Pirthi Singh himself was also rendered unconscious and he was secured by S. Lehna Singh, Executive Engineer (p. 342).

The second of these is, Piara Singh (accused 60). He was arrested on 12th April 1915 at Bidwan by Tanwir Ahmad, Sub-Inspector Police (p. 328), but before he was secured he struck the police officer with a *takwa* (p. 290) cutting the thigh down to the bone.

The 3rd and 4th of these men are Nidhan Singh (54) and Rur Singh (82), who were arrested near Chima by Phumman Singh, Police constable (p. 262), Jagta, Chaukidar (p. 262), Abdul Haqq, Head Constable (p. 262), and some villagers who have not been called as witnesses. In this case before the accused could be secured Nidhan Singh (54) struck Phuman Singh with a dagger (p. 231) causing three incised wounds [*vide* evidence of Mokand Lal, Assistant Surgeon (p. 324)].

We can only here record our sense of respect for these men for the bravery shown by them in risking their lives in conflict with desperadoes and for their devotion to duty, and also record our appreciation of the conduct of those villagers who assisted them.

(8) The Dacoities

One of the methods adopted by the revolutionists to obtain funds for arms and bombs and other expenses incidental to the war they were waging war the commission of dacoities.

That dacoities did take place will be abundantly proved later on, and it will also be proved that part of the proceeds thereof were devoted to the cause of the revolutionary party.

It is, however, urged, particularly on behalf of the returned emigrants, who were interned on arrival, that dacoity was no part of the objects of the party leaving America, and accordingly before we come to the actual dacoities themselves, it is necessary to show how the idea of dacoities arose.

That dacoities were contemplated in America as a part of the general scheme of insurrection long before the emigrants set out for India is clear from the *Ghadr* newspaper itself.

In the *Ghadr-di-Gunj* there occur the following clear and distinct references:–

> "Commit dacoities at some places."
>
> "We should commit dacoity on the Government and awake the whole of the Punjab."
>
> "Rob Europeans of their money and bring it to your own use,"

and it is impossible in the face of this to urge that dacoities were

a late development.

These references to dacoities in the *Ghadr* are supplemented by other evidence.

In Inder Singh's confession (and he was interned on arrival in India) it is clearly stated (p. 388) that the organizers of the mutiny proposed in America to commit dacoities as a part of the scheme.

Mula Singh (p. 91) says that while in America they used to discuss among themselves the use of dacoities as a means to further their objects, and on p. 92 he says that on the *Korea* it was decided that funds were to be collected by dacoities.

Nawab Khan (p. 147) says private dacoities were proposed on boardship and in America, and on p. 129 he states that one of the resolutions passed on the *Tosha Maru* was that the rich people loyal to Government should be looted.

This evidence clearly establishes that dacoities were a part of the general scheme.

We will see when we come to discuss the dacoities and abortive efforts that as soon as the emigrants returned to India, one gang under the leadership of Nidhan Singh (54) (who. however, did not take part in any dacoity himself) at once started operations around Ferozepore and Nabha, which only ceased when the gang itself was broken up by the arrest of the Ferozeshahr murderers, who were members of the gang. At the same time another gang under the leadership of Nawab Khan operated in Jullundur and Hoshiarpur districts, and this gang carried on its efforts till the middle of December.

We will also see that spasmodic efforts at dacoities were made in various places in January, untill ultimately the end of January and the beginning of February saw a wild orgy of dacoities, dacoities with murder and abortive dacoities.

We will see that on the 21st January, Kartar Singh (39), after consultation with Rash Behari Bose and others, set off from Amritsar for the Ludhiana District with an armed gang and committed dacoities there; part of his gang returning to Amritsar and committing the Chabba dacoity, which ultimately led to the unmasking of the conspiracy, while simultaneously another gang with occasional assistance from his party were committing dacoities operating from a centre at Lohatbadi.

We will also see that even after the Chabba and Rabbon dacoities further attempts were made.

Before, however, coming to these actual dacoities we may briefly refer to incidental discussions of the revolutionists as to dacoities generally in India after their arrival.

Amar Singh (p. 67) says that at the Moga meeting on 19th November 1914, Kartar Singh (39) spoke of getting money by dacoity, though it should be noted Nawab Khan (p. 147) says he heard no mention of dacoities at that meeting.

Mula Singh (p. 95) says that at the end of December at a gathering of conspirators at the Virpali Dharamsala, Amritsar, it was agreed to raise money by dacoities, and at this meeting Nidhan Singh (54), Amar Singh, Mathra Singh (52) and Kartar Singh (39) were present.

In this he is borne out by Sohan Singh (pp. 226-27), who says in November Mula Singh asked him to join in dacoities to get money to buy arms with so as to fight Government, and he also says Jaggat Singh (accused 32) asked him at Tarn Taran to do the same. He refused and informed the Thanedar.

He is further borne out by Thakur Singh (p. 200). He tells us he was actually present at this Virpali meeting and heard Nidhan Singh (54), Jaggat Singh (32) and others discussing dacoities past and future.

He is also borne out by Jaggat Singh (accused 32) on p. 426. Jawala Singh (p. 116) also speaks of discussions in regard to dacoities among his gang.

Ichhra Singh (p. 255) also says that in November or December Gandha Singh (16) and Buta Singh (12) came to him at Lohatbadi, and discussed the commission of dacoities for the purposes of the conspiracy.

In the cases, which we will now proceed to consider, it will be found that the object of all these dacoities was to get money for the coffers of the party – an object admitted to be the case by Nand Singh (53) in his confession. He states (p. 424) "we committed dacoities to get money for purchasing arms and ammunition."

The three accused Jaggat Singh, Harnam Singh and Kartar Singh have also admitted that the dacoities were committed to raise funds, though they say the funds were wanted for a seditious newspaper only (pp. 427,43 land 443).

In this connection we must observe that there is a certain amount of evidence that the Amritsar gang were cautioned not to commit murder, and that the murder was disapproved of by the regular revolutionists.

As per records, the following dacoties were committed:–

1) At Sahnewal (Ludhiana) on 23rd Jan. 1915
2) At Mansuran (Ludhiana) on 27th Jan. 1915
3) At Jhaner (Maler Kotla) on 29th Jan. 1915
4) At Chabba (Amritsar) on 2nd Feb. 1915
5) At Rabbon (Ludhiana) on 3rd Feb. 1915

Authors' note: The detailed account of dacoities *vide* Part III iii(18) of the judgements are being omitted on practical considerations.

(9) The Collection of Funds

We have already seen that dacoities were committed with the express object of raising monies for the war.

But it was not only by dacoities that funds were obtained, they were got by direct appeals to the revolutionists and their sympathisers.

We have seen that constantly in America funds were raised at the various meetings there, and the *Ghadr* itself tells us that the Sacramento meeting a subscription was made to defray the expenses of those returning to India.

We have also seen that Nidhan Singh was given money by the Shanghai Gurdwara for the purpose of the revolutionists.

We are however, more concerned with subscriptions made in India.

Nawab Khan (p. 148) tells us the Anarkali murderer made a collection from the passengers on the *Tosha Maru* on arriving in Calcutta, and he also tells (p. 140) that in December he and Kartar Singh went to one Sardar Ajit Singh of Guru Ka Jandiala, who helped them with Rs. 25 and further showed his sympathy with them by giving them a blue *Pashmina Chadar*.

He also tells us that Kartar Singh of Sarabha told him that Bhai Parma Nand (56) sent him to Kishan Singh, brother of Ajit Singh, the agitator of 1907, (Father and Uncle of Shahid Bhagat Singh respectively) from whom he got Rs. 1000, Rs. 500 of which was given to Jagat Ram to get arms with in Peshawar or for the use of the Doaba gang, and Rs. 500 were kept, by Kartar Singh for the Malwa people.

This Rs. 1000 is also referred to by Jawala Singh (p. 119), who tells us Nidhan Singh's funds were partly derived from a big Sahukar in Lahore through the instrumentality of Ajit Singh's brother.

Whether Rs. 500 out of this was given to Jagat Ram to get arms with or for the expenses of the Doaba Group is not quite clear, but we will discuss the matter more fully in his individual case.

Amar Singh says (p. 67) that in November he gave Bhai Parma Nand 7 gold dollars (i.e., equal to 140 silver dollars or approximately Rs. 437-8-0), four of which belonged to Jagat Ram (31), Jagat Ram told him some of it had been given to Kartar Singh to get arms with from Calcutta, and we have the undoubted proof that there was 1 gold dollar with Parma Nand. which we can follow up and connect very closely with Jagat Ram (3 1).

This deposit for the purpose of changing is admitted by Parma Nand (56), and he admits returning all but one to Jagat Ram, and that he got that one changed to give to Jagat Ram. and the evidence of Raja Ram and Ram Chand (p. 195) shows he got £ 40 and one gold dollar changed, receiving notes therefore. These notes were obtained from Sukh Ram Das, and the numbers of two of them have been traced through Wir Bhan(p. 194), Kirpa Ram (p. 194). and Sukh Ram Das (p. 194).

Jagat Ram was arrested in Peshawar on 23rd November, and in his possession were these very two notes, and two others each for Rs. 100 (see evidence of Mr. Chapman, (p. 282) and Ahmad Khan, Inspector (p. 282) and admission of Jagat Ram (p. 459) who admits getting them in exchange for his gold dollars).

We need not refer to the frequent promises to give monies and proposals to collect, and it will be sufficient for us to note further subscriptions actually made.

Ichhra Singh (p. 254) asserts he himself spent over Rs. 1.000 on the cause.

Mula Singh (p. 95) tells us that on the 31st December, Amar Singh and Kartar Singh (39) told him Parma Nand (56) had money in hand, and had himself subscribed Rs. 400 or Rs. 500, and he also tells us (p. 98) that Ram Saran Das early in January gave him Rs. 200, which he brought from Kapurthala. In this connection we may note that Amar Singh told Nawab Khan in December (p. 132) that the Bengal party wanted Rs. 200 from Kapurthala for arms and he intended getting it from one Sundar Singh of Simli.

One of the most important incidents is that of a collection made at Nanak Singh's *chaubara* in Amritsar on the 11th or 12th January.

We have already seen that certain of the accused, viz., accused Baj Singh (4), Bishen Singh (9), Hazara Singh (25), Kehr Singh (41), and Wasakha Singh (80) came up from Madras, and put up at the Nanak

Singh's Chaubara on 11th January.

We need only refer to the evidence of Mangal Singh (p. 202), Sohan Singh (p. 203), and Nikka, dalal (p. 203), on this point.

Mula Singh (p. 97) asserts that Nidhan Singh (54) told him there were some 30 men collected there and he went to them, discussed revolution and collected some Rs. 800 or Rs. 900 from them, keeping the money so subscribed.

Some of this was in gold dollars, and he states he gave 22 gold dollars to Amar Singh to get changed in Lahore.

Amar Singh (p. 70) states Mula Singh told him Wasakha Singh (80) and Kehr Singh (41) had subscribed Rs. 1,000, and gave him 20 or 22 gold dollars to get changed, which he took to Lahore and got changed through Kundan Lal and Nand Kishore (1). The changing has been fully established by their evidence, and the money was given over eventually to Rash Behari Bose.

No doubt there were many more collections, of which we know nothing, just as we know that there were many promises, but we have confined ourselves to subscriptions, which are shown by the evidence to have been actually made.

(10) The Looting of Government Treasuries

There is no actual case where treasuries were attacked and looted, but the idea was constantly present to the revolutionists as a means of raising money.

The *Ghadr-di-Gunj* expressly advocated it in one poem in the unmistakable words, "Plunder the treasuries".

Nawab Khan also tells us (p. 129) that on the *Tosha Maru* one of the proposals was to attack post offices, tehsil treasuries and *patwarkhanas;* and Jawala Singh (p. 115) says that on the *Mashima Maru* it was decided to loot treasuries.

At the Ladowal meeting on November 17th, Nawab Khan tells us (p. 134) the whole question was carefully considered. Jaggat Ram (31) introduced the subject and Kashi Ram mentioned every tehsil had Rs. 40,000 or Rs. 50,000 and proposed that Nidhan Singh (54) and Nawab Khan and he should loot the Jagraon and Moga Treasuries, while Jaggat Ram (31), Amar Singh, Pirthi Singh (58), and Piara Singh (60) should collect Doaba men to raid the Nawashaher Tehsil, and Kartar Singh (39) was to collect men for an attack on some tehsil in the Majha. It was

arranged that all tehsils were to be raided on the same day, and Nawab Khan was asked to get particulars of the Jagraon tehsil and Nidhan Singh of the Moga one.

It was further arranged to meet at Moga on the 19th to perfect their designs. Cold water was however thrown on the design when they met at Moga, for Kartar Singh (39) told them it was Parma Nand's (56) opinion that it was useless, as the assailants would be easily arrested.

He also says that Amar Singh at the beginning of December suggested looting the Nawashaher treasury, where he had been told by the treasurer that there were 1½ lakhs of rupees, but Nawab Khan said they must get arms first.

Amar Singh (p. 67) admits that at Moga he suggested looting treasuries.

Mula Singh (p. 95) says that at the end of December at the Virpali Dharamsala Amar Singh suggested a raid on the Una Treasury.

Inder Singh in his confession (p. 388) also says that the conspirators entertained proposals to loot treasuries and tehsils.

Sardar Ali (p. 219) and Kapur Singh (p. 233), who we understand had been foully murdered since, say that when they saw a gathering of men at the Jhar Sahib on 28th November, they were told by Pal Singh that they intended to loot the Tarn Taran Treasury. It is significant that a few days later there were a number of men at Tarn Taran on the *Amawas* day, but no attack was made.

Ichhra Singh (p. 255) tells us also that Buta Singh (12) and Gandha Singh (16) informed him in November that attacks on treasuries were a part of their programme, and Surti Singh (p. 309) says he was sent in February to Meerut, with *inter alia* a message to Ishar Singh (sowar) to find out all about the treasuries there.

Though there was no actual attack on any treasury made, one was organized.

Jawala Singh (p. 119) tells us that to fill in the time after the failure at Mian Mir on the 25th November and the projected attack on Ferozepore Arsenal on the 30th, it was proposed to attack the Moga treasury.

The party proceeded in the direction of Moga some by train, some by road. Those that went on by road were intercepted by the Police at Ferozeshahr, where they brutally murdered the Thanedar and *Zaildar* on the 27th November.

Some were killed, some caught and subsequently hanged, others

escaped, while of those who went by rail, Roda Singh (67) and witness were arrested in Moga, and others got away.

(11) The Collection of Animals

A small branch of the activities of the revolutionists was the procuring of animals for the prosecution of the war.

It is a minor point of which we have one or two instances but our review of the case would not be complete if we omitted all reference to it.

Ichhra Singh (p. 255) tells us that, Gandha Singh (16) and Buta Singh (12) came to him at Lohatbadi, and asked him to arrange for horses and camels, and he was told to buy a horse from one Mit Singh of Kaila and another from Ghunghrana. He gave Gandha Singh Rs. 200, and the latter purchased one horse, sent it by Nand Singh (53), and the witness states the animal is still with him. This was shortly before the Ferozeshahr murders.

Nand Singh (p. 416) in his confession gives us a long account of this transaction, and tells us Gandha Singh (16) and Arjan Singh got him to go with him to Mit Singh to buy a horse, which they left with him to take to Raikot the next day to Ichhra Singh.

Mit Singh (p. 312) and Wasawa Singh (p. 313) give corroborative evidence of this purchase, and the former identifies Nand Singh, and knows his companions were Gandha Singh (16) and the Anarkali murderer.

A second instance, the purchase of a camel for Rs. 200 from one Bachna, "for the furtherance of common object of committing dacoities and mutiny" is testified to by Ishar Singh (p. 258).

(12) The Murder of Europeans, Officials and Loyal Indians

The murder of European officials and loyal Indians is a constant theme in the *Ghadr* newspaper. If we were to refer to all the passages in the Ghadr advocating the cold-blooded murder of Europeans, we would run to several pages on that subject alone, and all we need say here is that it is so advocated time after time; men, women and children are all to be killed, and every conceivable atrocity is urged to be adopted in the killing.

It will, however, bring it more home to us all to what lengths these desperadoes were urged to go, if we select a very few passages where similar treatment is advocated for officials and loyal Indians.

Sardar Sunder Singh, Majithia, is in one poem held up as an object of execration, and in another the readers are advised to first deal with the "traitors to the country" win them if possible by entreaties, and if they do not respond, to resort to other means, for success in the mutiny is impossible until the number of "traitors" is reduced.

The murder of a Deputy Inspector of Police in Mymen Singh, and of a head constable in Calcutta are reported with satisfaction, and all Indian Government official are to be regarded as enemies of the country, and men like the Agha Khan, Syed Amir Ali and Mr. Shah Din of the Punjab Chief court are held up to reprobation as "greedy and cunning persons." But it is not only the *Ghadr* that suggests these courses.

Mula Singh tells us the murder of Europeans was a common subject of discussion among them in America, and Ishar Singh (p. 265) states that in November, Buta Singh and Gandha Singh told him the Udham Singh, Nidhan Singh (54), and Uttam Singh (79) discussed the murder of S. Gajjan Singh of Ludhiana, S. Sunder Singh, Majithia, the Editor of the *Khalsa Samachar* and S. Rur Singh, the Head Manager of the Darbar Sahib, but they decided to postpone killing them for the time being, and devote their energies to murdering police officers first.

Jamadar Nadir Khan (p. 269) also tells us Pingley advised him to go to the Mess, blow up the officers, and then murder the European troops while asleep.

Mula Singh tells us (p. 96) that in January they tried to hurry up the making of bombs so as to kill European officers attending the Muktsar fair, and Amar Singh suggested blowing up the Lieutenant Governor's train when His Honour went on tour.

Nawab Khan (p. 139) tells us that the gang, that was wandering about at the end of November in Hoshiarpur, suggested killing a European who was out shooting and getting his gun.

Jawala Singly when he quarreled with-a Japanese on the *Mashima Maru* was told to reserve his energies by Nidhan Singh (54), till he got to India where he could kill Europeans to his heart's content. He also tells us that it was decided on that ship to kill all loyal Indians who opposed them.

Sucha Singh (p. 242) one morning greeted Kartar Singh with the customary Sikh greeting *"WaGuru"* and Kartar Singh excitedly replied *"Maro Faringhi,"* for that was the religion he professed

We could multply these instances if necessary but sufficient has

been said to show that it was part and parcel of the creed of these desperadoes to kill every one on the side of Government.

Murders Committed

What has been done by other seditionists in other parts of India is too well known to require reference to, even if such reference were permissible in this case, but we do know that persons returning by the *Komagata Maru,* i.e., revolutionists connected with the present movement, did murder officers in the execution of their duty.

We know also that on 27th November 1914 Bisharat Ali, Sub-Inspector, Police, and Jawala Singh, *Zaildar*, were murdered at Ferozeshahr by revolutionists connected with this case. Jawala Singh, Nawab Khan, Ichhra Singh all tell us they were informed by some of the revolutionists, that they had committed the murder, and Nawab Khan, Nidhan Singh, Rulia Singh, Nand Singh, Bhan Singh all associated with and helped to conceal Gandha Singh (16).

We know also that at the Walla Bridge murder on the 12th June, where in all four men were murdered, Banta Singh, an accused in this case, joined with four others to commit those murders; we know further that the same Banta Singh with Buta Singh, another accused in this case, murdered S. Chanda Singh on 25th April, because he caused the arrest of another accused, and that associates of Banta Singh in the Walla Bridge murder killed Sardar Bahadur Ichhra Singh on the 4th June 1915.

We hear also that a witness who gave evidence before us, S. Kapur Singh, has been done to death during the trial of this case and we know that 3 police officers have been seriously injured in arresting some of the accused.

Add to these the Anarkali murder by the prominent revolutionist Arjan Singh, and the murders in the Chabba and Sahnewal dacoities, and we have striking testimony to the nature of this revolutionary movement.

(13) Jail Breaking

There is a little evidence that jail breaking was also considered by the revolutionists.

The *Ghadr* literature certainly advocated it:—

> "Let us break into the jails," it says "and release the men who have served the nation."
>
> "Release those who are in jails," It preaches, elsewhere," and keep them with yourselves in castles."

Nawab Khan (p. 129) tells us the breaking of jails was resolved on by the revolutionary committee on the *Tosha Maru,* and Uttam Singh of Hans (p. 307) heard the conspirators on 21st February talk of getting arms, and releasing prisoners from the jails there with.

We have, however, no evidence of any such attempt, but it is clear the matter was considered and proposed.

(14) The Revolutionary Flag

Naturally a body of men who consider they are at war require a flag, and this sordid revolution is not without that emblem.

We find that in America the flag is there, for Kartar Singh (accused) (p. 484) tells us they had a flag at the *Yugantar Ashram* in San Francisco, a tricolour representing "Liberty, Fraternity and Equality."

But not merely have we his statement on the point, the *Ghadr* is full of it.

There is an interesting article in the *Ghadr* of the 27th January 1914 headed the "National Flag," in which cold water is thrown on the suggestion to have a flag as likely to cause disunion, and it states" before mutiny there should be no flag" but it proceeds "Mutiny and then the standard of Liberty will be hoisted."

But the *Ghadr* regarded its own publication as a declaration of war, and very soon this temporary opposition to a flag was abandoned.

The first reference is in the *Ghadr-di-Gunj* "where are the blue and yellow flags", it asks, but the two colours soon became a tricolour, for later it exhorts its readers "to raise the beautiful three coloured standard", and in the same series of extracts we have one particularly virulent poem ending with a refrain to each stanza "Be determined to hoist up your flag".

By February 1914 it was in full swing, for at Stockton on the 15th the "National Flag" was unfurled, and revolutionary vows were taken under it by the audience, and they undertook "to fight and die in mutiny under the "National Standard", and in the Mutiny celebration number of May 10th, 1914, the revolutionists were exhorted "to plant the national flag, murder Europeans, and seize the throne of India."

In this pitiable revolution, there is an element of unconscious humour in connection with the preparation of this flag in India.

The revolutionists got along without it untill the date for the rising

was agreed upon.

It was on the 12th February, according to Mula Singh (p. 105), that it was decided in Lahore to have a tricolour flag, yellow to represent Sikhs, red for Hindus and Blue for Muhammedans, and he went off to Amritsar gave Naurang Singh (55), who is a *darzi,* a sovereign to make some flags, telling him he was collecting flags and wanted to add this to his collection.

Naurang Singh doesn't seem to have made any, possibly because Mula Singh was arrested the next day, and his mother gave Amir Ali, Inspector Rs. 15 on the 26th March, when Naurang Singh told her to give up the sovereign received for flags (pp. 249, 253).

But flags were made in Lahore.

Kahn Chand (p. 173) an employee of the Dhariwal Agency in Lahore, sold some blue cloth, a portion of which he identifies in the revolutionary flag, to Kartar Singh on the 15th and 17th February, and both Kirpal Singh (p. 186) and Amar Singh (p. 77) saw him bring 3 different coloured cloths-red, blue and yellow-to the Mochi Gate house on the 15th February and a number of the revolutionists were set down to sow them in strips. It was Rash Behari Bose who said flags were needed.

Flags, says Amar Singh (p. 78, 79), were distributed to the emissaries, who were going out to proclaim the rising. Parma Nand (57) was sent with one to Peshawar, Mathra Singh (52) and Harnam Singh (23) with another to Jhelum and Kartar Singh (39) with yet more to Ferozepore. Kirpal Singh (p. 286) got one on the 16th to take to Dadher, and he gave it to the men there. Sucha Singh (p. 79) was sent to Ambala with 2 more, of which he gave one (p. 280) to Surti Singh who took it down (p. 298) to Meerut and gave it to Ishar Singh, and the other he buried in the sand hills, when the whole movement collapsed, on the 22nd February 1915.

Some of these flags were discovered. That buried by Sucha Singh was pointed out by him on the 24th February to Faiz-ul-Hassan (p. 287), Kishan Singh (p. 288) and lmam-ud-din (p. 289) and when house no. 1 was raided Liakat Hayat Khan (p. 151) found pieces of red, yellow and blue cloth and some flags and Ahmad Khan (p. 157) found 4 sewn flags and 7 unsewn flags in house in the presence of Mr. Tresslor (p. 166) and Nur Din (p. 166) while portions of a flag were found by Mr. Denham (p. 355) in the house of Chaudri Harnam Singh in Fyzabad.

(15) The Destruction of Railways and Telegraphs

There is **a** direct incitement to destroy communications in the *Ghadr*.

It urges "break railway lines, cut off telegraph wires, and devote yourselves to the demolition of bridges," and we have already noted that in Parma Nand's Bomb Manual the use of explosive preparations for these purposes is explained.

Not only do we find that the literature of the revolutionists incites to this form of activity, but the evidence shows it was generally in their minds.

Nawab Khan (p. 129) tells us that on *Tosha-Maru* the revolutionary committee decided on the destruction of lines, bridges and telegraph wires as part of their policy.

Mula Singh (p. 98) tells us that Ram Saran Das (64) suggested to him in Amritsar the destruction of bridges by explosives.

Kapur Singh (p. 223) tells us that the gathering at the Jhar Sahib discussed the breaking of rails, and Ichhra Singh tells us (p. 255) Gandha Singh (16) and Buta Singh (12) told him in November the destruction of rails and telegraph wires was part of the revolutionists' policy.

We have no evidence of any actual attempt made in this direction, but we have a large amount of evidence to show that hack-saws, pliers and files were collected by the revolutionists for these purposes.

Mr. Petrie (p. 328) and Mr. Clements (p. 235) have told us that in Kashi Ram's box intercepted by the police at Calcutta, and which contained arms, etc. wire-cutters, and two hack-saws were discovered concealed beneath a false bottom.

Jawala Singh (p. 116) informs us that at Moga, when the *Mashima Maru* people congregated there in November, Nidhan Singh produced false-bottomed buckets in which *inter alia* nippers, pincers for turning nuts on rails, and small pocket-saws for cutting iron were concealed.

Two hack-saws (P. 118) were, according to Muhammad Sadiq (p. 327), and Gulam Kadir, *Zaildar* (p. 327), found in one of the tum-tums in which the Ferozeshahr murderers were proceeding to Moga when they murdered Bisharat Ali Khan and Jawala Singh, *Zaildar*, and these two hack-saws have been identified by Ishar Das (p. 176) as having been sold by him in November to a Hindu.

Another hack-saw which is referred to in this case is P. 38.

Mula Singh (p. 97) tells us that in January Lal Singh came to him asking for a hack-saw to cut iron with. Witness told Kartar Singh to get one

and he brought P. 38, which he handed over to Inder Singh (30) to take to Lal Singh. Inder Singh (30) is, as we have already seen, a man identified as having been with Lal Singh at the Jhar Sahib meeting in November.

Ishar Das (p. 176) swears to selling this hack-saw to a Sikh in January.

Sahib Singh (p. 224) saw Mula Singh in his village with a hacksaw on the day the latter dispatched Hukam Singh with a message to Inder Singh (30), Hukam Singh deposes to taking a written message to Inder Singh, who returned with him to Mula Singh.

Amir Ali (p. 249) informs us that Mula Singh told him he had given Inder Singh hack-saw to take to Lal Singh, and eventually Inder Singh gave P. 38 up in April. The defence of Inder Singh in regard thereto, and the evidence of Didar Singh in this connection will be duly considered when we deal with the individual case.

Nawab Khan (p. 149) tells us that at Jullundur in December, Kartar Singh (39) told him to go to Parma Nand (56) for more cutting instruments in preparation for attacks on the Kupp and Chaheru bridges, but he declined to go himself. Kartar Singh went to Lahore, but we have no further evidence in regard to this incident.

Amar Singh (p. 77) says that on the 14th February Rash Behari Bose (66), in connection with the proposed rising on the 21st, instructed him to get sample pliers and files, which he got in the Anarkali bazzar (P. 21 A. B.). The pliers was passed by Rash Behari Bose, who however, said the files were too large.

He further says (p. 78) that on the 18th February, he obtained at Rash Behari Bose's request, more files and pliers, including (P. 26 A.B.), 3 safety pliers for cutting live electric wires, buying at the same time a liner (P. 26 C) to avert suspicion, representing the articles were required for the Technical School at Ludhiana. These he gave over to Rash Behari Bose.

He tells us also that when Mathra Singh (52) and Harnam Singh (23) were dispatched to Jhelum, Kartar Singh to Ferozepore, and Sucha Singh down country to raise the troops, they were furnished by Rash Behari Bose with files and pliers, and that he himself deposited a pliers in the Gavval Mandi house.

Duni Chand of the shop of Jai Chand and Son's, remembers (p. 168) selling in February to Amar Singh, P. 21 A, several non-conducting pliers, many files and a liner for the Ludhiana Technical School, and he identifies P. 21 B, 26B and 26C.

Ahmad Khan (p. 157) found on 2nd February in the Gawal Mandi house P. 27, a non-conducting pliers a portion of P. 26C, P. 21 A., 26B.- files, and in house No. 4. (the Wachhowali house) the other part of P. 26C.

He also found a cardboard box with the name of Jai Chand and Son's on it, and it was thereby he was enabled to trace the vendor.

The discoveries are further evidenced by Mr. Tresslor (p. 166) and Nur Din (p. 166).

Ghulam Haidar(p. 168) found one file P. 35 on the 19th February in the Mochi Gate house.

Sucha Singh (p. 280) informs us that, when going off to raise the troops for the rising, Rash Behari Bose gave him 2 files (P. 26A) to cut telegraph wires, and Kartar Singh gave him P. 21B pliers.

These he buried in the sand-hills outside Ludhiana on the 22nd February, and there they were found when he pointed them out on 24th February by Faiz-ul-Hassan (p. 287), Kishan Singh (p. 288) and Imam-ud-din (p. 289).

(16) The Local Collections of men for the Rising

We have already seen that the revolutionists did their utmost with some success to procure the assistance of various sepoys for the rising.

These sepoys were, however, to be supplemented by gangs of villagers who were to come into Lahore for the rising.

Perhaps the most important of these was the Dadher Mehrana gang.

Kirpal Singh tells us (p. 186) he was directed by Rash Behari Bose (66) on the 10th February to go to Dadher and Mehrana. He reached Dadher on the 18th, and proceeding to the Dharamsala, as already directed, found there Bishan Singh (9) and Hazara Singh (25), and also asked for Kehr Singh (41) and Wasakha Singh (80). Kehr Singh came from Mehrana and Bishan Singh (10) also joined them; flags and seditious literature were distributed, and it was arranged they should attack the Lopoke *thana* on the 20th, and then come on to Lahore for the projected attack on the 21st.

They were supplied also with bombs and arms. The corroboration of this episode has been given already in the sections relating to bombs and arms, and does not need repetition.

The same witness (p. 186) tells us that on 15th February, Jaggat Singh (32) and Kharak Singh (44) were deputed to collect men at Basin and Sursingh for the rising on the 21st, and on the 18th they departed in

the direction of Jallo for this purpose, witness accompanying them by train as far as that station.

Amar Singh (p. 77) tells us that on the 12th February, Rash Behari Bose sent out emissaries to exhort and collect men for the 21st, and after corroborating Kirpal Singh in regard to the Dadher matter and his dispatch to that village, tells us that on the 15th Jaggat Singh (32) and Kharak Singh (44) were sent to Jallo. He tells us also that on the 17th Kharak Singh came in, and was told to have men ready on the 19th, and he again departed on the 18th with this object.

Mula Singh (p. 105) tells us that on the 13th February he sent out Balwant Singh (5), Prem Singh (61), Jawand Singh (35), Rur Singh (82), and others not accused before us, to enquire how many men in different villages were prepared to join in the rising, and to give him information by the 17th, but before he could do anything more he was arrested.

We have to link up here the arrests in Lahore on the 19th February and subsequently.

We have seen already that in house no. 1 the police arrested on the 19th Amar Singh, Hirde Ram (27), Kala Singh (37), Balwant Singh (5), Jawand Singh (34), Gurdit Singh (18), and Kharak Singh (44).

Amar Singh tells us that every one of these men was in the movement, but some had only just been brought in by Kharak Singh at the request of Jaggat Singh (32).

We have seen Kharak Singh was sent to Sursingh, among other villages, to collect men, and of these men arrested Kala Singh (37), Jawand Singh (34) and Gurdit Singh (18) belong to that village, while Balwant Singh (5) was one of the men Mula Singh tells us he had sent out from Amritsar.

In addition to the arrest of these people, a few others were arrested outside the revolutionists' houses in Lahore.

These were Harnam Singh of Padana (22), who was discharged as there was nothing against him beyond the factum of arrest. Inder Singh of Basin (29), Jamna Das (33), Kirpal Singh (46). Parma Nand (57) and Gurmukh Singh (19). Of these accused, nos. 29 and 19 were villagers brought in for the rising – previously also in the affair, the others of course being not villagers, but regular conspirators.

(17) Arrangements for the Rising

We have already seen how under the direction of Rash Behari Bose

arms, bombs and implements for destroying communications were collected in Lahore in anticipation of a general rising, and how troops were seduced and some promises to assist received, and also how arrangements were made to collect villagers to come into Lahore.

These were all arrangements made for what was hoped to be the culminating act in the drama of war which had commenced in America.

What we have now to do is to show that not only were these arrangements made, but that there was an express resolve come to, to rise on the 21st — a date which was subsequently advanced to the 19th.

On p. 75 Amar Singh tells us that Rash Behari Bose informed his co-revolutionists on the 12th February, that the 21 st February had been fixed for the rising in Bengal, on the frontier and elsewhere, and that the Lahore magazine was to be attacked that day, such attack to be the signal for others to rise.

Emissaries were sent out all over the country to announce the news and to complete preparations as we have already seen. He tells us that he told Nidhan Singh (54), and on the 14th further emissaries were dispatched, as well as on the 15th.

On the 18th the plan was suddenly changed because (p. 78) that day Harnam Singh (23) came into Lahore and said Kirpal Singh had raised their suspicions, and accordingly, after discussion, the date fixed for the 19th and new emissaries were at once sent out to inform the mutineers of the change.

Mula Singh (p. 105) corroborates the account of Amar Singh that the rising was fixed for the 21st on the 12th. and he tells us that, after informing Hirde Ram, he proceeded to Amritsar, where on the 14th, prior to his arrest, he too sent out emissaries to different villages.

Kirpal Singh heard first on the 14th February from Nidhan Singh (54), that the 21st was fixed, and he was dispatched to Dadher to bring in the Dadher people, and he also tells us that, when he got into Lahore again on the 19th, he heard of the change of date.

Liakat Hyat Khan (pp. 150-151) deposes to getting information on the 14th and 19th February from Kirpal Singh as to the fixing of dates.

There can be no doubt therefore that the culminating act was fixed for the 21st February, we can now turn to consider how this proposal came to grief.

* * *

The Ferozepore Raid

In our judgement in the Lahore Conspiracy Case we referred to evidence, proving that a rising of the troops in Ferozepore had been arranged for the 19th February, coincident with the Lahore rising and that there was some evidence, showing a gang of men went down to Ferozepore to assist.

We have dealt with the part played by the troops in Ferozepore in the section dealing with the seduction of troops. The evidence we then had in regard to gangs going to Ferozepore to assist was meagre; but, in this case, this important incident has been testified to in considerable detail. We have many witnesses in connection with it; and, as we proceed to discuss it, it will be apparent that a serious attempt was made on the 19th February to start a murderous outbreak in Ferozepore. accompanied by an attack on the Ferozepore arsenal. This outbreak was intended to be coincident with the outbreak at Lahore.

Where all the men, who were concerned in that raid, came from, we do not know.

There is, however, before us a body of men, residing in and near Dhandhari and Narangwal, which is alleged to have gone down to Ferozepore for this purpose.

There is evidence, which we have dealt with elsewhere, to the effect that villages in Ludhiana were much agitated over certain supposed Sikh grievances; and this feeling was exploited by the returned emigrants, particularly it is said, through Randhir Singh (69), in touch with Kartar Singh (L.C.C.) and other leaders of the revolutionary party.

The contention is that this man, under Kartar Singh s orders, took down a gang to Ferozepore for the 19th February.

It is alleged by the prosecution that, preparatory to the Ferozepore raid there was a secret gathering at Dhandhari on the 17th February when Randhir Singh (69) and his party came from Gujarwal where they had held a bhog on February 14th.

Inder Singh of Khanna (p. 165) tells us there was a path at the house of Gurbachan Singh, whose son had gone on active service; and the path was followed by a bhog. after which those, who were there simply for religious observances, went away; but Randhir Singh (69) gathered a few men together, closed the door, and told them that desh bhagat (i.e., Kartar Singh., L.C.C.) had met him and told him all Singhs

must be ready to attack the Ferozepore fort in a couple of days, Randhir Singh, as alleged, told them they would have many men, including sepoys and emigrants; and, when accused 89 and witness asked how they hoped to overcome Government, Randhir Singh replied that the lime for Azadi *had come, as Government was interfering with their religion. It was this reference that induced several men to throw in their lot with Randhir Singh. We are told that the men present at this gathering were accused 69, 3, 10, 19, 89, 68, 41, 54, 77, 50 and witness, and after it was over, men were sent out to collect others.*

Teja Singh of Samrala (P.W. 40) also refers to this meeting. He tells us that he had been excommunicated, owing to a breach of caste rules, and 69 told him to attend the Akhandpath at Gurbachan Singh s at Dhandhari, when his application for readmission would be considered.

He says he did appear; and, after his case had been considered, he was turned out of the room, and a meeting held, the purport of which he knows nothing about, attended by accused 69, 3, 10, 19, 77, 68, 54, 50, 41 and Inder Singh; and he was directed to come again to Khanna, where an effort was made to induce him to join the party going to Ferozepore for the raid there.

Gurbachan Singh (p. 217) informs us that he held an Akhandpath *to pray for the safety of 2 of his sons on active service, which Randhir Singh (69) and a lot of his followers attended, and after the religious ceremonies were over, some men had a meeting behind closed doors, the purpose of which he is ignorant of.*

Gonda Das (p. 217) gives similar evidence, and he identifies 69,3.10,19 as men who remained for the secret meeting.

Udham Singh of Hans (p. 196) states Karam Singh (41) told him he had attended this secret meeting at Dhandhari, where also were Kartar Singh (L.C.C.) 69 and others, and that many there were persuaded by 69 to join in the Ferozepore raid.

Mussammat Nihal Kaur (p. 214) remembers her husband, Inder Singh going to Gurbachan Singh's Akhandpath, *and being told by accused 77 her husband had gone to the Bar for men for the Ferozepore raid.*

The presence of Kartar Singh (L.C.C.) is deposed to by Anokh Singh (p. 244), who says he went with him. He himself but not Kartar Singh attended the Akhandpath, *after which Kartar Singh went to accused 69, and secured his promise of men for the projected raid.*

The raid—

Sunder Singh (A.M.)

The first witness on the subject of the raid itself is Sunder Singh of Asa Majra.

This witness informs us that Uttam Singh (98), Karam Singh (41) and Udham Singh of Hans came to him; and he was informed that the 19th February had been fixed on for the rising, and that Kartar Singh (L.C.C.) had been to Dhandhari to tell Randhir Singh (69). The rising was to be simultaneous in Lahore. Rawalpindi. Ferozepore and all over India. He was told Randhir Singh (69) had sent one Inder Singh of Khanna to collect men in the Bar; and Santa Singh (77) and Teja Singh of Samrala had been sent out with the same object to other places. All were to gather at Ferozepore Cantonments on the 19th, where the native regiments would supply arms, and a midnight attack would be made on the fort, with a view to obtaining arms and ammunitions, and Randhir Singh (69) was to bring a large body from Dhandhari. The same evening Gandha Singh (17), Udham Singh of Hans. Arjan Singh, the Anarkali murderer, Banta Singh (W.B. murderer), and Harnam Singh (L.C.C.) came to him en route to Ludhiana, and other places to collect men for Ferozepore. and it was understood they were to go to Ferozepore in small parties under Randhir Singh's orders. Many of these men were armed.

On the appointed day. this witness states he set out for the rendezvous, with Teja Singh, accused 41, 54, 77 and 101 and the wife of Inder Singh of Khanna. witness, who was out to bring her husband home.

At Ludhiana they were joined by Buta Singh (hanged). Gandha Singh (17), Arjan Singh (Anarkali murderer), Banta Singh (W.B. murderer), Uttam Singh (98), Harnam Singh (Sialkot) (L.C.C.), and some others; and at Mullanpur they met a party, under the leadership of Randhir Singh (69), comprising accused, 3, 10, 23, 33, 68, 89, 31, 42, 59, 50, 58, Udham Singh of Hans, and others not accused. Accused 19, he also states, was in the raid.

Some of this gang were armed; and fortified with a harmonium. At Ferozepore Cantonment they were met by Kartar Singh (L.C.C.) and two sepoys who led them to some bushes near the Rifle Range, where there was a large number of revolutionaries collected. The sepoys there left them to prepare the regiment. They, however, did not return; so Kartar Singh (L.C.C.) Arjan Singh (the Anarkali murderer), Buta Singh (hanged), accused 98 and 17 went to find out what had happened, and

returned soon, saying arrangements were being made. Further delay occurred; and on 69 s advice Arjan Singh, Kartar Singh, Buta Singh and accused 98 again went to the lines, and returned with the news that the Military authorities had got wind of the affair, and had turned out certain sepoy sympathizers: and as nothing could be done that night, the gang broke up. In the section dealing with seduction of troops we have seen that sedition-infected sepoys were dismissed.

The witness proceeds to tell us that Randhir Singh (69) went off with his party; while he, accused 17, Buta Singh (hanged), 98,42 and two others not accused, went to Goleana and Bhatinda, where they separated, witness going to his own village with accused 42.

Bhagat Singh

The second important witness is Bhagat Singh of Ballowal; (p. 168 el seq). He says he was asked by Harnam Singh (23) at Gujarwal, about the 17th February, to join in the proposed raid, and meet the other raiders at Mullanpur.

He checked the information by questioning Randhir Singh; and, in accordance with his promise, he went to Mullanpur, where he met accused 69, 50, 3, 59, 89, 68, 10, 19, 23, 78, 33, 98, Udham Singh of Hans and 2 Sikh boys of Gujarwal. The gang, he says, was dressed in black; and he too refers to the harmonium, and says there was a number of people already seated in the train.

At Ferozepore, where some 50 or 60 revolutionaries alighted, he met on the platform accused 58, Kartar Singh, Buta Singh and accused 17 and some others. Mastan Singh (58) told him there were about 100 or 150 collected, and they were taken in small gangs to some reeds, meeting on the way a patrol of Territorials. After waiting some time in the reeds, Gandha Singh (17) told Randhir Singh that nothing could he done, as the Military authorities had got wind of the affair. Besides those already mentioned as having been met en route to Ferozepore. witness identifies (32), Udham Singh of Hans, and (30) as being among the men gathered in the reeds.

With the abandonment of the design, witness went off with 69 s party to Phimi-ke-Khai, a station on the Bhatinda-Ferozepore section, where accused (89) and (59) tried to get tickets for the whole gang; but they had to buy their tickets separately. At Phimi-ke-Khai were witness himself accused 69, 50, 3, 89, 59, 68, 19, 10 and Inder Singh s wife;

and they travelled, first to Ferozepore Cantonment, and thence to Mullanpur, and Mohi, seeing 23, 58 and Buta Singh (hanged) at Jagraon.

It is interesting, in connection with this witness, to notice that in his diary, under date 18th February 1915, a mistake for 19th February, he writes "from Mullanpur to Ferozepore by 7 O'clock train;" and on the 19th he enters "went to Phimi-ke-Khai from Fattowala via Sappanwali. Left Phimi-ke-Khai at 9 A.M. Left Cantonment Railway Station at 11.30 with Mastan Sigh (58), Harnam Singh (23) and Buta Singh (hanged)", and the diary also contains a note Na muafiq, which, witness says, means "nothing could be done."

Udham Singh, Hans

The third approver, who gives evidence in connection with this incident is Udham Singh of Hans (p. 196 et seq).

This witness states he met Karam Singh (41) at Patiala, and he told him he had just seen Randhir Singh (69) at Dhandhari, where Kartar Singh (L.C.C.) had informed them the 19th February had been fixed for the rising. With Karam Singh he went to Sunder Singh of Asa Majra; where he met Arjan Singh, Anarkali murderer, Banta Singh (W.B. murderer), Gandha Singh (17) and some others, where he was told the next day was the day for the mutiny. At Ludhiana he met accused 98, and, with him, went on to Narangwal to see Randhir Singh (69), where he saw accused 69, 3, 89, 19, 10, Gurmukh Singh (L.C.C.), 43, 58, and others; and accused 98 told Randhir Singh he, with his gang, should reach Ferozepore that evening, to which 69 assented.

Witness and accused 98, having also told 89, 78 and 33 to be at Ferozepore, went on the Mullanpur en route for Ferozepore, and at that station, linked up with accused 69, 3, 78, 33, 89, 59, 19, 23, 10, Bhagat Singh approver, and several others. This party was in black, and the witness also mentions the harmonium. At Ferozepore Station they were met by Kartar Singh (L.C.C.) and 58, and were led in small groups to some reeds. He too refers to passing a Territorial patrol.

Besides those mentioned above, this witness met in the reeds accused 98, 30, 32, Chanan Singh (W.B. murderer), 17, Arjan Singh, the Anarkali murderer. Sunder Singh of Asa Majra, Buta Singh (hanged). Gurmukh Singh (L.C.C.), 50, 68, Anokh Singh, approver, 41 and Banta Singh (W.B. murderer).

He tells us Kartar Singh (L.C.C.) was dispatched to lines to find

out what was happening; and he returned, saying nothing could be achieved, as the authorities were fully informed. Witness with 98, 30, Chanan Singh and 32 went to Ferozepore, and thence to Doraha; where, as we will see, part of this gang contemplated another outrage.

Anokh Singh

The fourth approver, who has evidence to offer on this subject, is Anokh Singh (p. 245 et seq). This youth was a kind of messenger, who was attached to Kartar Singh (L.C.C.), and had been employed by him in helping to seduce the Ferozepore troops. The success attained in this direction we have discussed in the section dealing with the seduction of troops. He gives important evidence, tells us that he accompanied Kartar Singh to Dhandhari on the 17th February to see Randhir Singh (69), and wanted the latter to be present at Ferozepore on the 19th February with his gang, where he. Kartar Singh, would meet them. Randhir Singh promised to do so, and then they went on to Gujarwal with similar directions for accused 23 and 78.

On the 19th, Kartar Singh and he went to Ferozepore, and. as previously arranged, met Randhir Singh s party at the Cantonment Station. This party, he says, consisted of 60 or 65 men, dressed in dark blue, and accompanied by a harmonium. Of this party he identifies accused 98, Udham Singh of Hans. Gurmukh Singh (L.C.C.), Banta Singh (W.B. murderer), Arjan Singh (Anarkali murderer). Harnam Singh, Sialkot (L.C.C.), 69, 50, 58, 78, 23, 59, 43, Bhagat Singh, approver, 10, 19 and 17. The gang was led in groups to some reeds near the Rifle Range, and Kirpa Singh (46), a sepoy, was sent to find out, what had happened in lines. The party broke up when it was discovered nothing could be done, and witness, with Kartar Singh, Banta Singh, Harnam Singh, Arjan Singh and Gurmukh Singh, went to the station, and thence to Lahore.

There is a considerable amount of evidence of independent witness supporting these approvers.

Inder Singh of Khanna

The first witness is Inder Singh of Khanna (p. 164). He was at a meeting at Dhandhari, where Randhir Singh (69) referred to the coming attack on Ferozepore, and when Santa Singh (77) was sent out to collect men for the enterprise. The witness, desirous of getting out of the way, made a pretence of offering to go to the Bar for the same purpose, and,

getting money from accused 89, he went to Layallpur, and saw Jaimal Singh, Wariam Singh and Nand Singh there, keeping out of the way until affair was over. He was afterwards reproached by Randhir Singh for his failure to turn up.

His visit to chak 361 is corroborated by Jaimal Singh (p. 167) and Wariam Singh (p. 167), who say the witness told them Randhir Singh had sent him to bring in men to fight Government, but they refused to have anything to do with him, especially as he himself said he had no intention of getting involved.

Mussammat Nihal Kaur

Closely connected with this evidence is the statement of his wife Mussammat Nihal Kaur (p. 214). We have seen that both Sunder Singh of Asa Majra and Bhagat Singh, approver, mention her being with Randhir Singh s party. She tells us that she heard from accused 77 that her husband had gone to the Bar to collect men to go on to Ferozepore. It was with the sole object of inducing him to abandon any mad ideas he had, that his wife went to Ferozepore, hoping to find him there, and bring him home. She says she accompanied accused 77 and 54 from Khanna, and meeting 41 and 13 at Ludhiana. went on to Ferozepore. At Mullanpur she saw 68, 69, 89, 10. 19. 3 and others get into the train, with a harmonium. She tells us that, having reached Ferozepore. she went with a gang to the jungle, and in the morning went with the rest to Phimi-ke-Khai. and thence home with 54 and 77.

The witness also identifies 59 as one of the gang in Ferozepore. There can be no question of this witness' reliability, so far as the incident is concerned.

We have seen that Sunder Singh (A.M.) has told us Teja Singh of Samrala started from Khanna with himself 41, 77, 101, 54 and Inder Singh s wife.

Teja Singh of Samrala

Teja Singh (P.W. 40) has given evidence, and tells us he was at Khanna, seeking re-admission to caste, and accused 77 took him with Nihal Kaur, 54, 13, 101, and Sunder Singh (A.M.) to Ludhiana, where 41 got into the train. There Santa Singh told him they were going to Ferozepore to attack the fort, but he declined to go on with them.

Miscellaneous Witnesses

A highly respectable witness is Zaildar Kishan Singh, who remembers seeing a gang of men at Mullanpur station on the 19th February, of whom he remembers 69 and 19. They were in black, and had a harmonium with them.

The meeting of a Territorial patrol is corroborated by Corporal Waller and R. 1. Landry of the 4th Devons, who tell us that, when, on patrol duty on the night of the 19th February, they saw a gang of 30 or 40 men going towards the Rifle Range, and the statements as to how the gangs came down to Ferozepore. dispersed, and went home, is also corroborated by the evidence of certain railway officials.

Ram Dhan, Assistant Station Master, Mullanpur (p. 255), recalls a number of men, dressed in black, booking last February to Ferozepore Cantonments. Shib Lal, Ticket Collector (p. 249), informs us that, on the 19th February, 19 and 48 third class tickets were issued from Mullanpur and Ludhiana, respectively, to Ferozepore Cantonments, and on 20th February, 28 tickets were issued from Phimi-ke-Khai to Ferozepore, and Ferozepore to Mullanpur.

Hari Ram, Station Master of Phimi-ke-Khai, corroborates, and tells us the average issue of such tickets is 4 or 5; and Lata Jagan Nath, Station Master, Mullanpur, also corroborates, and gives the daily average at his station as 3.

Isa (p. 250), a pointsman at Phimi-ke-Khai, remembers a gang of men at the station numbering about 20 and including a women, who wanted to buy tickets in a lump; and on jail parade he identified accused 69, 3, 68 and before us 13, 52, 28 (wrongly) and 69. The identifications before us, except that of accused 69 and possibly 13, are probably inaccurate and the arguments of defence counsel will be considered later. Ahmad Khan pointsman (p. 250), gives similar evidence, and identifies accused 3 and 69.

Head Constable Maula Baksh (p. 250) also states that on the night of 19th, he saw a gang of suspicious characters alight at Ferozepore Cantonment, and reported the same at once to Inspector Lamacroft who took immediate action.

Bachan Singh (p. 187) also states that Ishar Singh (32) told him he had gone with 70 or 80 men to attack to Ferozepore fort, to get arms, but the enterprise had failed.

Subha Singh, pointsman at Mullanpur (p. 326), deposes to a party

leaving that station for Ferozepore with a harmonium; but he only identifies Bhagat Singh (approver); and Ladhu and Pakhar, pointsmen, give similar evidence, the former identifying accused 58 and 3, and the latter accused 30.

Rash Behari Bose's notes

An important piece of corroboration is found in the slips of paper, in Rash Behari Bose s handwriting, discovered in Lahore, when the houses there were raided. On one of these we find the significant conjunction of the names "Randhir" and "Uttom," i.e., accused 69 and 98, the men who are alleged to have been the leaders of the Ferozepore raiders.

Now, there can be no question, that a gang of men did go down to Ferozepore for the rising on the 19th February, armed and intent on murder and mutiny. That they were badly armed and generalled, that they were out on a hopeless and ridiculous task, makes no difference: they formed an actual array waging war.

How far we are not prepared to consider the cases proved against individuals, we will discuss in the individual cases, where we will also deal with the lengthy arguments of the defence counsel-all we need now say is that we are satisfied there was a raid.

A Point raised by Defence

We have seen that the prosecution witnesses say that Kartar Singh (L.C.C.) came and warned Randhir Singh at Dhandhari to be ready for the raid of the 19th, and that the news spread as far as Patiala, where Sundar Singh, A.M. was, in time for men to come up from there.

It is argued that this is impossible as the raising for the 19th was not decided upon until the 18th February in Lahore.

Now we admit it would be, if not impossible, at least very difficult for Kartar Singh to leave Lahore on the 18th, reach Dhandhari, inform Randhir Singh there and yet enable a man to go on to Patiala and warn Sundar Singh, A.M. the same day.

The answer, however, to the objection is complete. The date of the rising in Lahore was, we are satisfied, changed from the 21st to the 19th, on the 16th or 17th, and not on the 18th, and we are satisfied that the misunderstanding is due to Amar Singh (approver) having been a day wrong in his reckoning ever since the meeting of the 12th February.

The fact that Amar Singh made this error is very clear. He has always post-dated meetings and events after the 12th February by one day and this is demonstrated by the fact that he fixes Harnam Singh (L.CC.) having seen Kirpal Singh (spy) at the railway station on the 16th, whereas the telegram sent by Kirpal Singh clearly shows he was at the station on the 15th and not 16th.

Moreover, Amar Singh has clearly spoken of Kharak Singh being told off on the 17th to bring in men for the 18th, and also of Kartar Singh (L.C.C.) and Anokh Singh returning from Ludhiana on the 18th, informing him that they had done what they had to do there and then straightway proceeded to Ferozepore.

We have carefully checked his various statements with other facts and we are satisfied the date was changed either on the 16th or 17th, and emissaries sent out on the 17th to warn the revolutionists of the change.

The correct dates have always been given by Sucha Singh who has consistently said he saw Kartar Singh in Ludhiana on the 17th, where he was told of the date for the rising having been advanced to the 19th. (SLCC Judgement p. 90-97)

IV – THE SPY AND THE COLLAPSE

The best account of the events that led up to the final denouement is given by Liakat Hayat Khan.

He tells us (pp. 150-51), that in investigation in the Chabba dacoity, he early got information that Mula Singh was concerned with it, and concluded that it was the work of returned emigrants.

He accordingly sent for Bela Singh, *Zaildar*, on the 7th February and asked him to find a man who could get in touch with the returned emigrants, and disclose whatever information he could get. On the 9th February Bela Singh brought Kirpal Singh, who he knew had a cousin Balwant Singh, sowar, recently returned from America and in touch with other emigrants. Kirpal Singh was employed as a spy, and the latter went off to Lahore to see Balwant Singh. It was requisite before anything more could be done for Balwant Singh to get leave, and accordingly Liakat Hayat Khan got the Deputy Inspector General (Criminal Investigation Department) to write to the Commanding Officer of the 23rd Cavalry, the result of which was that Balwant Singh got leave.

On the 10th February Kirpal Singh told him Mula Singh was in Amritsar under the name of Punjab Singh, and was going to Lahore to meet other revolutionists, and witness directed Kirpal Singh to go to

Lahore and get in touch with the ringleaders there.

On the 14th February Kirpal Singh gave him information that he had got in touch with the revolutionists, told him that they were manufacturing bombs, arranging dacoities and preparing to rise.

On the 15th Kirpal Singh sent a wire to him to go to Lahore at once. Most unfortunately this wire was delayed in transit, and the police * wrong arrived too late to raid the house, where the revolutionists had been assembled, as intended by Kirpal Singh. On the 16th he saw Kirpal Singh who told him there would probably be a meeting on the 18th, and police arrangements were made to raid the house that night.

Early in the morning of the 19th Kirpal Singh came to him, and explained he had not been able to get into Lahore till that morning from Dadher. Later he came again, and said there were only 3 men in the house, but he had found out that the rising was to take place that evening beginning with an attack on Lahore Cantonments, and that there would be a meeting of the leaders probably later. Witness told Kirpal Singh to return and give him a signal when more men had assembled, and posted Kartar Singh, Police Constable, to receive the signal.

The signal was given about 4.30; and thereupon witness with Amir Ali, Dhanpat Rai, Inspectors, Hira Singh and Aziz-ud-din, Sub-Inspectors of Police, Ghulam Kadir, *Zaildar*, and Bela Singh *Zaildar*. rushed the house and captured 7 men.

With head-quarters gone and with the knowledge the police was in possession the other leaders scattered and the projected final act of war came to grief.

The actual raid is corroborated by Ahmad Khan (p. 156), Ghulam Haider (p. 168) and Amir Ali (p. 247) while Police Constable Kartar Singh (p. 203) deposes to receiving and conveying the signal.

Kirpal Singh (pp. 184 *et seq.)* states Bela Singh, *Zaildar*, after conversation with him, took him to Liakat Hayat Khan, who asked him to get in touch with Mula Singh. He describes how he undertook to do so through Balwant Singh, sowar, and how when the latter had got leave, they both came to Amritsar and found Mula Singh had gone to Lahore to see Madan Singh. He states that they went to find Madan Singh on the 12th February, and ascertained from him Mula Singh had just returned to Amritsar. On his representing he wanted to join the revolutionists, he was taken to the Mochi Gate house and introduced to Amar Singh, and he was promised an introduction to Mula Singh. With the object of

meeting Mula Singh, Amar Singh, Balwant Singh and he returned to Amritsar, where they found Mula Singh had been arrested.

They went to the Rasulpuria *haveli* where Nidhan Singh (54), Kehr Singh (41) and Harnam Singh (21) were present. Nidhan Singh was known to him of old in Shanghai, and on his recommendation, Kirpal Singh was taken into the inner circle, and deputed to succeed Mula Singh.

He then heard of the rising on the 21st, and it was arranged he should help in bringing up the Dadher people. He reported these occurrences to the police on the 14th, and went to Lahore on the 15th, where he found in the Mochi Gate house, Amar Singh, Kartar Singh (39), Nidhan Singh (54), Mathra Singh (52), Kharak Singh (44), Jagat Singh (32), Hirde Ram (27), Jawand Singh (35), Balwant Singh (5), the Anarkali murderer, Harnam Singh (61), Parma Nand (57), Sajjan Singh (70), Pingley (59) and Rash Behari Bose (65) in fact nearly all the leaders.

He seized an opportunity to wire to the police at Amritsar to come up at once, but unfortunately, as we have seen, that wire was delayed.

Returning to the house he heard all the arrangements completed for the rising after which the gathering dispersed.

He saw Liakat Hyat Khan on the 16th, and asked him to wait at the station for him. He went again to the Mochi Gate house, where further arrangements were made for the rising on the 21st, and he was directed to go to Dadher. He again saw Liakat Hyat Khan that evening, and went on to Dadher on the 17th, returning to Lahore on the morning of the 19th, and saw Liakat Hyat Khan early in the morning. Proceeding to the Mochi Gate house he met Amar Singh and Harnam Singh (21), and heard the rising was to take place that day.

He managed to get out and convey his information to Liakat Hyat Khan, who told him to return and signal when a raid should be made. This he did, and when in the afternoon he discovered he was suspected, and thinking his murder was imminent, he signaled to the Police, who raided the house.

We need not follow in detail the corroboration of this evidence by Amar Singh (pp. 76-79), after telling us of the events of the 12th the introduction of Kirpal Singh, on the recommendation of Nidhan Singh, Kirpal Singh's employment as a conspirator, and the meeting of the 15th at Mochi Gate house, and that he had been seen at the station, when supposed to be elsewhere.

He also corroborates Kirpal Singh as to the events of the 19th, and states that Kirpal Singh was told he was under suspicion, and a guard was set over him. He also describes how on a simple pretext Kirpal Singh was allowed to go to the roof of the house, whence he gave a signal for the raid.

Mula Singh also tells us that he was in Lahore on the 12th, but of course did not meet Kirpal Singh, and the statement of Kartar Singh admits that Kirpal Singh did get among the conspirators.

There is no doubt as to this fact, and it was the introduction of this man into the heart of the movement which led to the sudden collapse, and the gradual rounding up of the remnant of the revolutionists.

* * *

V – ACTIVITIES OF THE REVOLUTIONISTS AFTER THE 19TH FEBRUARY

We have now seen how the intended rising in Lahore failed on the 19th February; how troops in other stations did not rise, and how the important coincident array, which went down to Ferozepore to start the conflagration there, came to grief

In the last case we stopped at this point: hut we are now in possession of evidence showing that the activities of the revolutionists had by no means ceased.

These activities we propose now to discuss.

(1) The Affair at Doraha Bridge

The affair at the Doraha Bridge was referred to in the L.C.C. as one of those attempts at securing arms by attacks on railway bridges, which as we saw then, was an integral part of the revolutionary programme; a method later employed, unfortunately with success, at the Walla Bridge.

We have fuller evidence in this case in regard to this incident.

Bhagat Singh, approver (p. 170), tells us that, after the failure of the proposed attack on the Ferozepore arsenal on the 19th February, he Mastan Singh (58) and Harnam Singh (23) left for Doraha; Harnam Singh telling him they were to go there to seize arms. Near Gurthali they met Nand Singh (L.C.C.) and Gandha Singh (17), who had 6 bombs in their possession; and they pointed out a spot where they were to assemble

that night. The two of them attended at the rendezvous on the 21st February, there meeting Gandha Singh (17), Gurmukh Singh (L.C.C.), Nand Singh (L.C.C.), Sewa Singh (79), Arjan Singh and Banta Singh and others.

At midnight, after testing the bombs they had, they set out for the bridge, with arms and bombs: but when they got to the bridge, they feared to attack it, as there was a well-armed guard of 12 men. Gandha Singh however, went on, and after reconnoitering, returned and advised them to go home if they were afraid. Gurmukh Singh (L.C.C.) returned to Doraha Station, and the rest to Gurthali hridge and thence witness went to Jagraon.

This witness' diary shows he left Narangwal for Doraha on the 20th, was at Doraha on the 21st, and with Ham am Singh (23) reached Jagraon on the 23rd, where he remained two days.

Udham Singh of Hans (p. 197) also tells us that, after the failure at Ferozepore on the 19th, it was arranged that the Doraha bridge should be assaulted on the 21st; and on that date he, accused 32, Rur Singh (L.C.C.) and Chanan Singh left for Doraha. Uttam Singh (98) promising to follow. They reached Doraha about 1 p.m. and there met Buta Singh (W.B. murderer), who told them he had failed to meet the other party, and accordingly, they abandoned their design, and went back to Ludhiana.

Anokh Singh, approver (p. 246), who was also in the Ferozepore affair, and went from there to Lahore, Ludhiana and then to Dhablan with 36. Gurmukh Singh and Harnam Singh; tells us the 21st had been fixed for at attack on Doraha by accused 17 and 98 at Ferozepore: and Gurmukh Singh (L.C.C.), Harnam Singh (L.C.C.). Jaswant Singh (36) and he proceeded to Doraha. where they met 23 and Bhagat Singh, approver, near a canal bridge. At night some 20 men, including accused 36, 23, 17, 58, Gurmukh Singh (L. C. C) and Harnam Singh (L.C.C.), with bombs and arms, started for the Doraha bridge, after testing the bomb materials they had. He states Gandha Singh (17) went in front and reconnoitered, returning to say the guard was too strong, and so the enterprise was abandoned for the time being.

Bhagat Singh (p. 171) states that when the attack on the 21st was abandoned for lack of men, Gurmukh Singh (L.C.C.) said he would bring more men, and renew the attempt on the 26th; and accordingly on that day, he went via Ludhiana, to Doraha but found none of Gurmukh

Singh s expected party, so returned to Gujarwal, where he met accused 23. and asked him why he had failed to turn up.

The diary shows he left Narangwal for Doraha on the 20th. was at Doraha on the 21st; at a "meeting" at Lil on the 22nd; went again to Doraha on the 26th, and was at Gujarwal with Harnam Singh on the 28th.

Anokh Singh (p. 240) also says that the attack was postponed to the 26th. and he and Gurmukh Singh (L.C.C.) set out for Lahore to bring more men for the purpose, but he parted from Gurmukh Singh at Ludhiana. and fled to Burma.

Anokh Singh's statement is also corroborated by the Railway booking registers. Ram Lal (p. 290) Booking Clerk of Ludhiana. proves the issue of four 3rd class tickets to Dhablan on 21st February 1915, which Mulkh Raj collected at Dhablan, and issued 4 from there to Rajpura, where they were collected, and 5 tickets issued to Doraha by Ragbat Rai (p. 291), of which 4 were collected at Doraha by Kishen Sarup.

(2) Sedition In the 23rd Cavalry

We have already dealt with this matter in the general section relating to the seduction of troops.

We need only add here that one of the men who seem to have attempted some sort of reorganization is Prem Singh (67). He was, after the 19th February, constantly in the lines of the 23rd Cavalry, practising and preaching sedition. On one of these visits Prem Singh explained that, as two organized risings, viz., those of the 26th November and 19th February, had come to grief he had arranged that small parties, armed with bombs and pistols, were to wander about committing murder. Wasawa Singh and Puran Singh both tell us this; and there is no doubt that this method of insurrection, advocated by the Ghadr *as "guerilla warfare", was adopted, and men were murdered, as we have already seen, and bombs prepared wherewith to murder others.*

(3) The Kapurthala Raid

The incident, which we refer to as the Kapurthala raid, took place in June 1915. It was part of the effort at reviving the revolutionary movement, which appeared to have been broken in February, and is closely connected with the Walla Bridge murders, with which however, we have dealt separately.

The most important witness in this connection is Bachan Singh of Dhudike.

We have seen that this man was first seduced (as alleged) by Pakhar Singh (62), a relative of his, returned from Hong Kong; and that 62 was constantly visited by accused 70, 98, Banta Singh (hanged) Buta Singh (hanged), 36, 32, and 53, 65, 2, Kapur Singh, Bhagat Singh, and others.

He tells us (p. 188) that Pakhar Singh (62) came and told him and accused 72 they must be ready in a few days to accompany him, as Isher Singh (32) and Banta Singh (hanged) required help for work in Kapurthala, and directed them to go there to loot the magazine and seize arms, the matter was discussed with accused 72, 63, 64, and Pakhar Singh told them accused 32 would meet them at Kapurthala Station. Accused 72 and he went to Kapurthala on the 5th June, were met by accused 32, 2, Kapur Singh and a havaldar, and taken to a garden, where a body of men 18 or 19 in number and including accused, 32, 2, 72, 98, 6, 70, 36, 67, Kapur Singh, Buta Singh (hanged), Banta Singh (hanged), Chanan Singh (W.B. murderer), Kala Singh (W.B. murderer) and a Salutri (71) held a meeting. The meeting discussed the looting of the magazine at Kapurthala, and the "Havaldar " promised to show them the road. It was, however, decided that the attack should be postponed till the following Saturday (June 12th) and extra men collected. In the meantime, it was decided to attack the Walla Bridge, and procure arms for use in looting the magazine. We need not follow the Walla Bridge enterprise again at this stage. After that raid had been successfully accomplished, witness says that Rur Singh (72) and he separated from the other murderers to go to Kapurthala, whither the others would follow. He states they went on to Kapurthala, where they met Prem Singh (67). who took them into the jungle; where they were joined by the Havaldar and accused 71. This was on the 12th June. There they heard that the State authorities had got wind of the assembly on the 5th June, and had already arrested Buta Singh (hanged) accused 2, 6 and Kapur Singh on the following day: and as there were insufficient people to attack the magazine the proposal was abandoned. The "Havaldar" told them accused 64 had arrived to help and next morning they saw him, and he told them 62 had sent him for this purpose. 72 and witness left Kapurthala, and the story of their wanderings may be left, as we have discussed it in connection with the Walla Bridge murder.

The second important witness is Amar Singh (p. 240), approver of Usmanpur.

He had promised to join the revolutionary movement, at the instigation of the absconder Jawand Singh (36); and he tells us that Buta Singh (hanged) and Bir Singh (6) came to him on Jawand Singh's directions. Buta Singh told him a havaldar in Kapurthala, incharge of the magazine, had promised to supply the revolutionaries with all the arms he had, and witness was told to go on to Kapurthala the following Saturday via Kartarpur. He did so, and was met at Kartarpur by accused 20; and on the road to Kapurthala they met accused 70, and, further on, accused 6. The latter took them to a field, where a party of 19 men were assembled, including Buta Singh (hanged), Banta Singh (hanged), accused 6, 36, 7, 20, 67, 98, 32, 70, 71, 72, 2, Bachan Singh (approver) and others, who, we are told, were Chanan Singh. Kala Singh (W.B. murderers) and Kapur Singh, accused 39 (discharged). Some of these men were armed. After discussing whether they were strong enough to attack the magazine, it was decided to postpone the assault till the next Saturday, and attack the Walla Bridge post in the interval. The witness and accused 20, left together, witness eventually going home. The witness did not go to Kapurthala a on the 12th, as he realized the proposal was absurd, and he dropped his connection with the Ghadr.

Nand Singh approver (p. 236) states that in April, accused 53 and 85 came to Arjan Singh at Daudhar, looking for accused 32. These men talked sedition to him, and he tells us (p. 23 7) that on the 2nd June he also attended the meeting at Chuhar Chak near Daudhar preparatory to the Kapurthala raid, which was attended by accused 2. 32. 53, 62, 64, 80, Kapur Singh, Banta Singh (W.B.) and Arjan Singh (approver).

Kapur Singh asked for money to get materials for a bomb to use at the forthcoming attack on the Kapurthala magazine on the 5th. Arjan Singh, approver, informed this witness of the proposed assault; but witness was unable to take part in it, as he was arrested on the 4th June, and placed on security.

The meeting of the 2nd June, preparatory to the attack on Kapurthala, is also testified to by Arjan Singh (approver) (p. 200).

He tells us that Pala Singh (64) and Nand Singh asked him to attend; and he did so, finding assembled 32,62,53, Kapur Singh, 2, 63, 80 and Banta Singh (hanged). A "committee, " consisting of 32, 2, 62, Banta Singh and witness was appointed; and 32 informed them that, on 5th June, a large party would collect at Kapurthala to attack the magazine, with the help of a havaldar; and it was agreed to go there. Arjan Singh

(2) and Kapur Singh were given money to get bomb materials for the attack. Like Nand Singh, this witness was prevented from going to Kapurthala, as he was restricted. He met Ishar Singh (32) on the 9th, and refused his invitation to go to Kapurthala on the 12th.

The corroborative evidence is of a somewhat unusual character.

Sunder Singh and Harnama, Bawarias (p. 227), say they were looking out for the whereabouts of partridges in Jeth; and, while doing so, they came across some tracks behind the Military barracks at Kapurthala.

These tracks, which raised their suspicions, they followed up, till they came to a spot, where they saw, from the tracks, there had been gathering of some 18 men. There were traces of chhavis in sand; and some of the men had apparently burst through a thorn hedge. Their suspicions being confirmed, they retraced the original tracks. Seven men had gone on to Kartarpur, 3 to Cantonments, and four to Kala Sangian. The tracks of all but these four were lost on pakka road; so they followed up the four to Kala Sangian, where they enlisted the help of a constable, and went on to Chitti; where, having been joined by a Lambardar, they followed the tracks to the Gurdwara. where 4 men, including Bir Singh (6), who had chhavi, were arrested.

Police Constable Mahan Singh (p. 227) states the last two witnesses asked him at Kala Sangian to follow the tracks of 4 doubtful men. He did so, and at Chitti Dharamsala found, and arrested, Buta Singh (hanged), accused 6, 2 and Kapur Singh.

Mohan Singh, the Lambardar (p. 228), gives corroborative evidence; and Sub-Inspector of Police Muhammad Hussain (p. 228) deposes to going to Chitti, on receipt of the information as to the arrests, and taking over these men.

S. Suchet Singh, Superintendent of Police, Kapurthala (p. 222), on information received, also went and saw the 4 men arrested at Chitti, and ascertained there had been a meeting at Kapurthala on 5th June 1915; and he later heard from lkram-ul-Haqq of Bachan Singh, approver, who spoke of a Slate "havaldar". This man was eventually ascertained in September to be really a sepoy Bhagwan Singh.

Inspector Ikram-ul-Haqq (p. 283) stales he ascertained the name of Bhagwan Singh from accused 32 on 28th September; and on this information he went to Kapurthala, and had Bhagwan Singh arrested; and the method by which the police got on to Amar Singh and Bachan Singh is explained by Fazal Imam (p. 300), who informs us that Buta

Singh (W.B. murderer) gave him certain particulars at Hoshiarpur on 6th July 1915, mentioning among others Amar Singh. Later he obtained Bachan Singh s name from accused 53.

In our section dealing with the Walla Bridge murders we found that clothes of the murdered men and the murderers were found with Bhagwan Singh, sepoy.

Before dealing with the confessional statements, it is necessary to touch briefly on the evidence corroborative of accused 64's going to Kapurthala. His individual case will, of course, be discussed later, along with his counsel's arguments.

Havaldar Bir Singh of the 36th Sikhs deposes to accused 64 taking a months leave, which expired on 6th June 1916; but. on the plea of illness, he did not return until 26th June, 1915.

Makhan Singh and Ami Chand (p. 234) both say they saw accused 64 at Gondwal on 13th June 1915; and Sub-Inspector of Police Ralla Ram (p. 235) informs us it was accused 64, who mentioned having visited Gondwal on his way back from Kapurthala, and pointed out the shops of these 2 witnesses. He also mentioned going to Patti on the way home, and pointed out the shop of Abdulla there; and Abdulla (p. 234) testifies to accused having a shirt (P. 85) made at his shop, this shirt was found among 64 s effects by Sardar Bahadur Subedar Bishen Singh (p. 247) on 7th September 1915 at Peshawar.

The prosecution evidence is supported by the confessional statements of accused 53, 62, 64 and 80; which have been retracted before us.

Mahinder Singh (accused 53) states in his confession that, towards the end of May, accused 62 and Bhagat Singh went to a minor near Daudhar, whither he also went, meeting others, in search of Ishar Singh 32; and eventually, on the 2nd June, he again went to the same culvert with the express object of meeting Ishar Singh. There he found assembled accused 32, Banta Singh, Kapur Singh, Arjan Singh (approver), Arjan Singh (2), Nand Singh, 63, 64, 80 and 65. A consultation took place, in which it was determined to go to Kapurthala on the 5th to wage war; but he himself did not go on that date. On the 9th he was again seen by 32 and 98 and asked to go the following Saturday, i.e., the 12th. but he again did not do so.

Pakhar Singh (accused 62), also of Dhudike, after recounting in his magisterial statement the seditious propaganda in his village, says that Banta Singh (hanged) and 32 told him of the projected meeting at

the culvert, and directed him to inform certain other men. On the appointed day, i.e., the 2nd June, Arjan Singh (2), Kapur Singh, 53, 32, 63, 64, 80, Arjan Singh, Nand Singh (approver) met there and they were ordered to meet at Kapurthala on the 5th to raid cantonments and seize arms with the assistance of a "Havaldar". He states he and accused 53 did not go to Kapurthala, as he was ill; but he states Bachan Singh and accused 72 did. Some days after 98 and 32 came back to Dhudike, and said that, as only 19 men had met at Kapurthala, the attack had been temporarily abandoned, but another attempt would be made on the 12th. Pala Singh (64), he says, after consultation with him, did go on this occasion, but he himself stayed at home. He adds that about 15th he saw 72 and Bachan Singh, approver, who told him they had been to Kapurthala on the 12th, as well as 64, but as only 7 or 8 men foregathered they had dispersed.

Pala Singh (64) also made an incriminating statement to a Magistrate on 13th September 1915. He is a sepoy of the 36th Sikhs and came home to Dhudike on 2nd May 1915. While at home his maternal uncle Arjan Singh (approver, maternal uncle of accused No. 2, Arjan Singh) prevailed on him to join in a raid on Kapurthala. On the 2nd June, 62 and 53 asked him to bring Arjan Singh and Nand Singh to the culvert, which, he did, there meeting 63, 62, 53, 80, 32, 2, Kapur Singh and Banta Singh. He was there told to go to Kapurthala the next day, but he did not go. On the 11th accused 32 and 98 turned up, and again urged him to go on the 12th. After talking it over with 62 he did go, but found no one at Kapurthala. He says, however, he did meet Bachan Singh and 72 near Kartarpur, then he proceeded to Gondwal, Patti, Bhoperai and home, and he gave, information, which led to evidence being found as to his movements on the way home.

Sham Singh (80) says in his confession that he went to the culvert meeting, and there saw 64, Nand Singh (approver) Arjan Singh (approver), 63, 32, 53, 62, Banta Singh (W.B.), where a consultation took place, which he did not overhear; but he was told afterwards, on the way home by 62, that some revolutionists intended meeting at Kapurthala the following Saturday, to plunder the treasury there; seize arms, murder all English people, and thereafter set up their own Government. He promised to go himself, if he could: so did accused 53: but he thought better of it, and did not go.

This evidence clearly establishes there was an array of armed revolutionists at Kapurthala on the 5th June, which abandoned the

proposed attack on the magazine there, owing to scarcity of numbers; that one body was detached to attack the Walla Bridge, to secure arms wherewith to renew the attack on the magazine on the 12th, an attack which was not renewed, though some revolutionists did meet to carry out the design, because a number of the men were arrested at Chitti and in the pursuit followed the Walla Bridge murders. (SLLC Judgement p. 97-102)

D — THE CONNECTION OF THE REVOLUTIONISTS WITH GERMANY

How far there was communication between the revolutionists and foreign enemies of His Majesty, we are unable to say. What we can say with certainty is that there are indications, which point to the suggestion that there was some understanding, that some assistance was rendered by individual Germans, and that the revolutionists considered themselves as in league with the German enemies of the King Emperor. We do not propose to refer here to numerous passages, which show that the revolutionists regarded the existence of war as a favourable opportunity for putting their own schemes into operation, and we will confine ourselves to distinct references to foreign enemies.

Our most fruitful source of information on this subject, though by no means stands alone, is the *Ghadr* newspaper.

The first reference we have is so early as the 6th January 1914. In that issue a speech by Hardial at Sacramento on 31st December 1913 is reported. He is represented as saying, "The time of the decline of the British government has now come. It is beset with difficulties on all sides. Germany is about to fight against England", — a somewhat significant passage in view of what we now know have been the designs of that country for years.

In the issue of the 31st March we find Hardial announcing that he will go to Germany to start the mutiny.

We find the following further references to foreign enemies:–

> "Our enemy is hemmed in by the German Lion… Turkey… and also Germany are on our side… our enemy… is engaged with Germany… this is not an opportunity to let slip… let us start a rebellion."

In the issue of the 28th July 1914 there is a special article headed. "Indians, do not lose this opportunity", and it proceeds to describe the Austrian ultimatum of 25th July 1914 to Serbia, and to say Great Britain is sure to be involved and concludes, "As soon as the war breaks out in Europe, set up a mutiny in India."

In the issue of the 4th August 1914, there is another article entitled the "Bugle of War", which runs—

> "The time you have been awaiting… has come. The bugle of war has sounded, and the war has begun… The war between England and Germany has started. Now is the time for India… if you set up a mutiny now, the English will come to an end; for on the one side Germany will smite them, and on the other side you."

Again in the issue of the 18th August we read-

"War prevails… now is the time to start war in India too," and again in the same issue "O Indians, help the Germans…"

"How ? Start War in India, so that even brave Germany may know we are not idle… and that we know the proper time for war."

In the issue of the 1st September we read:–

"This is the time when the English are engaged in war in Europe…. This is the time. Turkey is thinking of taking revenge on the English and Russians. This is the time to start a mutiny in India".

In the Declaration of the War *(Ilan-i-Jung),* we read:–

"Muslim brethren… England, Russia and France are fighting with Turkey… Now is the time to rise."

"Over and above these, we have other allusions to assistance expected from Germans, and to assistance being rendered by Indians to German prior to the commencement of the war, which have already been discussed in our survey of the *Ghadr* newspaper.

Not merely do we find references in the literature of the revolutionists, but we find Inder Singh in his confessional statement state, "There is a general impression among the natives in America that the German Consul is offering free assistance in funds, etc., to Indians, with the object of causing riots and mutiny in India."

We have also in oral testimony distinct references to seeking the aid of the German Consul at Canton. Both Amar Singh (p. 64) and Nawab Khan (pp. 128-29) tell us of the incident, and it appears that a deputation was received by him. He was made acquainted with the plan of a revolution in India, and he urged upon them the necessity of a revolution

at the time.

Mula Singh tells us (p. 92) he was supplied at Shanghai with six automatic pistols and 100 cartridges for use in India, which came from a German, and we have seen these were handed over to Nidhan Singh (54), from whom some of the Ferozeshahr murderers received their weapons.

It is a small matter, but one which may be mentioned here, that at the Mansuran dacoity the dacoits harangued the villagers saying the British Raj was coming to an end, and Germans coming to assist (see evidence of Munshi Mal)(p.315), Hari Ram (p. 138) and Kishan Singh (p. 318).

These are no doubt only suggestive indications, but they point to the possibility of some definite understanding between Germany and the originator of the trouble, Hardial: and at any rate there is evidence of the readiness of Germans to assist the revolutionists, however they could.

* * *

In our judgement in the first conspiracy case we discussed the evidence, then available, as to the connection of the revolutionists with Germany; we came to the conclusion that there were indications of a possibility of some definite understanding between Germany and Hardial, and evidence of the readiness of Germans to assist the revolutionists, whenever they could.

In the present case in addition to those indications, we have some other ones Puran Singh (p. 125), an ex-sowar of the 23rd Cavalry, states that Hira Singh (28) told him at Charar that Germany had arranged to send back all Indian prisoners of war via Persia and Kabul to help the revolutionists.

Wasawa Singh (p. 128) asserts that Balwant Singh (the man who. enlisted, as alleged, in the 23rd Cavalry with the express purpose of spreading disaffection), told him the German Government was behind Hardial, and that many of the arms, brought by the returning emigrants, had been supplied by Germany.

Nand Singh (p. 235) states he was told in Penang by the Tosha Maru passengers that Germany would provide arms and ammunition, and would otherwise help the revolutionists.

Arjan Singh (p. 199) also tell us that, at Penang, Kesar Singh (L.C.C.) dilated on the opportunity the war with Germany gave the revolutionists for the overthrow of the British Government.

Chanan Singh (p. 247) also tells us that accused 69 asked him to help in propagating revolution, while the German war afforded a suitable chance.

Khushal Singh (p. 273) states accused 61 preached in Mauza Sursingh of the coming of the Germans to India. Karam Chand (p. 281) speaks of similar lectures by accused 81 in Buta Kalan; and Jhanda Singh of like lectures in Thikriwala.

Labh Singh (p. 307) tells us that in Bangkok, accused 28 spoke of the war with Germany, as affording revolutionists their opportunity.

Sucha Singh (p. 356) said he was told by a co-revolutionists that there were 75,000 rifles in Bengal sent by Germany for their use; no doubt an exaggeration, but still indicative of the expectations of the Ghadr people.

This additional evidence does not, of course, prove judicially that there was a clearly defined arrangement between the revolutionists and Germany. To establish such a connection would be well nigh impossible; but it does strengthen the opinion we previously formed, viz. that there is a possibility of such a connection; and we are quite satisfied that the outbreak of war with Germany was regarded as the psychological moment for a revolution in India, in which it was expected Germany would participate. (SLCC Judgement p. 102)

E — FINAL CONCLUSIONS

(a) Lahore Conspiracy case

We have now concluded our general survey of the case laid before us.

Our final conclusion put briefly is this, that in May 1913 Hardial commenced to stir up inflammable material in America into a state of hostility towards the British government, and proceeded with others, including certain of the accused, to conspire and prepare for ah insurrection in India, with the object of overthrowing the Government established there, at some date to be determined in the future.

That conspiracy and preparation finally developed at the end of July and the beginning of August 1914 into the first act of waging war, *viz.,* the collection together of men in large numbers in America to leave for India to war against Government. These collections made by Amar

Singh in Oregon, and at the gatherings at Portland and Sacramento, set out to San Francisco *en route* to India for war, and sailed thence by various ships, and notably the *Korea*. These bodies of men were reinforced by others at various places in the Far East, and in pursuit of war, attempts to seduce troops, collect arms and men were made *en route*.

Arrived in India such of them as were not interned along with new recruits obtained in India committed, while waging war, and in continuance of the war commenced in July-August, a series of acts which we have considered in detail, such as dacoities, seduction of troops, villagers and students, the manufacture and collection of arms and bombs, projected and accomplished attacks on railways, bridges, forts, arsenals and general communications, and finally projected a general rising, which was to be the culminating act of the war.

We regard acts done up to July-August as acts of conspiracy to wage war; acts thereafter, when once the war had started, as acts in furtherance of that war, and in abetment of such war.

Some Observations

Finally having now completed our judgement there are a few points left for disposal.

The first point we desire to note is that though several of the accused have been charged under the Explosives Act, we have not thought it necessary to record any convictions under the provisions of that Act, in as much as we have regarded the manufacture and preparation of explosives as acts of abetment of war; nor have we deemed it necessary to award separate punishments in respect to each and every charge on which the prisoners have been found guilty.

The second point we have to attend to is to record an order of discharge under section 337, code of Criminal Procedure, in respect of the approvers Amar Singh, Mula Singh, Umrao Singh, Nawab Khan, Sucha Singh, Jawala Singh, Udham Singh, and Narain Singh.

We have also to make some short general observations.

The judgement has disclosed, to the best of our ability, the ramifications of the conspiracy to overthrow the Government as by law established in India, in so far as they have been placed before us in evidence. We do not profess to know the whole of the ramifications of this design, nor can we say to what extent others are implicated, but we do desire to place on record that which we have gathered from the evidence

before us, and that is that, notwithstanding the probably wide-spread nature of the revolutionary movement, we are convinced that it is one which is viewed with abhorrence (sic) by the vast majority of the people of India.

We have been impressed throughout the case by instance after instance of unswerving loyalty to the cause of law and order displayed by people of all classes and creeds. We have noticed in particular the extraordinary bravery shown by several villagers in the Chabba dacoity, a record of which any men might well be proud; we have also had several other instances in which men have unhesitatingly arrayed themselves on the side of Government against these desperadoes.

We feel we must refer to the almost reckless courage with which Kirpal Singh, the Police informer, undertook the work of ingratiating himself at the risk of his life (sic) with the conspirators, and how, undeterred by any consideration of personal safety, he succeeded in doing so, and by his discoveries saved the country from what might have proved a serious outbreak on the 19th February.

Credit too is due to Bela Singh, *Zaildar*, who was instrumental in securing the services of this man, and worked with him whole-heartedly against the conspirators.

Credit also is due to him and Ghulam Kadir, Zilladar, for their ready assistance to the Police, while effecting the raid on the Mochi Gate house when they too risked their lives in seizing the conspirators assembled there.

We may also mention as worthy of commendation the following men, who each in his own way helped the authorities, or refused to associate with the conspirators:— Iqbal Singh (P.W. 30), Rassaldar Ganda Singh (P.W. 61), Rajinder Singh, Sowar (P.W. 73), Ralla(P.W. 82), Inder Singh (P.W. 83), Buta Singh (P.W. 123), Gurbakhsh Singh, *Zaildar* (P.W. 124), Sardar Ali (P.W. 158), Kapur Singh (P.W. 165) Ramditta Mal, Jailor (P.W. 192), Gokal Chand, Assistant Jailor (P.W. 193), Jagta, Chaukidar (P.W. 203), Jamadar Nadir Khan (P.W. 206), Kishan Singh (P.W. 330), Ghulam Kadir (P.W. 343), Jamadar Buta Singh (P.W. 385), Sepoy Bhan Singh (P.W. 388), and Jamadar Bhola Singh (P.W. 390). The list is not exhaustive and we might say that nearly every one of the witnesses who has appeared before us has rendered a public service at some risk to himself.

We need not more than refer to the help rendered to Government

by Sardar Bahadur Ichhra Singh and Sardar Chanan Singh, who have both been murdered, and the assistance given by several pensioned soldiers and villagers in the pursuit of the Walla Bridge murderers.

We have said sufficient to show that the mass of the people is not in sympathy with this revolutionary movement, and has shown its detestation of it in the most practical possible manner.

Great, however, as has been the help given to the authorities by others, it is mainly due to the services of the Police that the community has been saved from great danger (sic).

It is not often that the thoroughness of work and devotion to duty, which is characteristic of the Punjab Police in particular, has an opportunity of exhibiting itself as in this case.

While men from other sections of the community and even the army have been seduced from their allegiance, there is not one single instance of even a constable having anything whatever to do with these conspirators.

From first to last the Police force, high and low, has unflinchingly devoted itself to the protection of society (sic) from those who were determined, if they could, to cause chaos, and the whole of society owes it a considerable debt. We are accustomed to hear allegations of various kinds, fortunately rarely with much basis, against the Police force, but we have no hesitation whatever in saying that we are completely satisfied that throughout this investigation—an investigation in which many Police Officers co-operated— there is not one single instance in which the Police has not been scrupulous in its integrity. We are unable in the mass of evidence before us to point out one instance where evidence has been tampered with, manufactured or improved upon, or where there is any possibility of suggestion that any Police officer has manipulated facts.

We are not in possession of all the work done by the Criminal Investigation Department, but from what we are in position of we are in a possession to say that it has been performed under conditions of the greatest difficulty with a skill and rectitude of which any force might be proud.

The various district police have been in no way behind their *confreres* in the Criminal Investigation Department and while we do not attempt to say who has done best we record our appreciation of the work of the following in particular:–

Liakat Hiyat Khan, Deputy Superintendent of Police, who was

largely responsible for unmasking the conspiracy and carried out the dangerous raid with conspicuous bravery on the 19th February,

Ahmad Khan, Inspector of Police, Anarkali, who performed excellent work in investigation.

Amir Ali, Inspector, Dhanpat Rai, Inspector, Hira Singh, Sub-Inspector of Police, Aziz-ud-din, Sub-Inspector of Police, Ashgar Ali, Head Constable, Alim Khan, Head Constable, who also assisted in the raid. Beli Ram, Head Constable, Sher Khan, Police Constable, Shah Muhammad, Police Constable, Alam Sher, Police Constable, Kartar Singh, Police Constable, who arrested other conspirators after the raid.

Sadr Din, Sub-Insector of Police, who arrested important revolutionists at Chak 5 on March 2nd.

Sardar Sukha Singh, Deputy Superintendent of Police, Criminal Investigation Department.

A. A. IRVINE,
The 13th September 1915. President of the Commission.

T. P. ELLIS,
The 13th September 1915. Special Commissioner.

SHEO NARAIN,
The 13th September 1915. Special commissioner.

* * *

(b) Supplementary Lahore Conspiracy Case

We have little to add to the conclusions we arrived at in the former case; but, as there is now new evidence we, propose to restate at slightly greater length the conclusions we have again formed.

We are satisfied that in may 1913 Hardial commenced to stir up inflammable material in America into a state of hostility towards the British government; and proceeded, with others, including some of the accused to conspire and prepare for an insurrection in India, with the object of overthrowing the Government established there, at some date to be determined in the future.

In pursuit of this conspiracy meetings were held in various places in America; and a revolutionary paper started in San Francisco, Indians induced to become members of revolutionary societies, and a regular plan of campaign adumbrated for the prosecution of the war when started.

With the aid of sympathizers and agents, and the sedulous distribution

of inflammatory literature, many recruits were obtained in the Far East, particularly in Shanghai; and men were induced to throw in their lot with this revolutionary movement in Shanghai, Hong Kong, Manila, Penang, Singapore, Siam and in India itself.

Eventually, the inflammatory material in Shanghai and in America burst into aflame in July and August 1914; the approximate causes being the Komagata Maru affair and the breaking out of war with Germany, the latter being regarded as giving an opportunity for the commencement of the war which had been advocated in the Ghadr.

The first warlike arrays were made, almost contemporaneously, in Shanghai and America. In July an armed gang of men sailed from Shanghai for India, arriving in October; in August a larger armed gang of men, collected in Oregon and elsewhere, left San Francisco, arriving in India in November. Other armed gangs also left America and Shanghai for the same purpose, picking up en route to India recruits for the revolutionary force.

Subsequently, other recruits followed by various ships from various settlements, and en route several bodies of men attempted to seduce troops, collected arms and men.

Arrived in India, such of the revolutionists as were not interned came up to the Punjab, and proceeded to inoculate troops and villagers with revolutionary ideas, urging them to join in the next step in the war.

It was arranged that on the 26th November there should be an armed military array at the Jhar Sahib, which was to be joined by mutineers from the 23rd Cavalry, and which was to march on to Sirhali, Patti and Tarn Taran. The mutineers in Lahore armed and prepared to ride out but with a few exceptions did not move; the armed military array assembled at the Jhar Sahib and Khairon, and marched on Sirhali, and then dispersed.

Others, in the pursuit of and furtherance of war, made an armed demonstration on the 25th November at Lahore Cantonments; and then moved to Ferozepore with the intention of assaulting the arsenal there on the 30th November. Part of this gang, armed for the purpose of an assault on the Moga treasury on the 27th November encountered police and others; and in resistance to lawful force, attempting to prevent them proceeding, killed two men and continued a military display until captured or dispersed.

Others of the revolutionists, in pursuit of and in furtherance of the

same war, seduced troops, villagers and students, manufactured bombs and ammunition, and secured arms and committed dacoities with murder.

Attacks on railway communications were planned and attempted in December 1914 and January 1915; each one of which is in itself an act of war.

As a final act of the war which was to overthrow the British Government a contemporaneous rising of troops and other revolutionists was planned to take place on the 19th February in Lahore, Ferozepore, Ambala, Meerut and other places.

Troops were ready to move in Lahore on that date, and villagers were collected; but owing to the police obtaining information in time, this movement was checked. Mutinous troops were also ready to move in Ferozepore in conjunction with revolutionists collected to join there. A gang of revolutionists moved from villages in Ludhiana District to Ferozepore on the 19th February, and assembled in cantonments to join the mutinous troops. The troops were unable to move, as their ringleaders had been discharged from lines that morning, and the gang dispersed. Part of the gang moved to Doraha to assault the railway bridge guard there on the 22nd February, armed with bombs and revolvers, but failed in the attack.

Thereafter although the leaders were gradually arrested, some of those still at liberty continued in prosecution of the war to seduce troops, manufacture bombs, collect arms and project dacoities; and in order to prevent loyal citizens assisting Government, to murder such as had assisted either in arresting revolutionists or giving information leading to their arrest.

In further prosecution of the war, an armed gang met on the 5th June to attack the Kapurthala Magazine, there to secure arms and attack the Lahore and Montgomery jails. The attack was postponed to the 12th, as the gang was considered insufficient; and a portion dispatched to attack the Walla Bridge, which was successfully assaulted on the 11th, two soldiers being killed in the assault.

This was the last armed array of which we have at present any knowledge; and from that date onwards a number of other leaders have been gradually arrested.

We regard acts done up to July-August 1914, as acts of conspiracy to wage war; acts thereafter, when once the war had started, as acts of war or in furtherance of war and abetment of such war. (SLCC Judgement

p. 102-104)

We are convinced that all the accused whom we have convicted under sections 121, 121 A, Indian Penal Code, could not, while committing the acts for which they have been convicted, have been other than cognizant of the fact that they were ultimately aiming at subverting Government, an aim to which their actions were ancillary. (SLCC Judgement p. 357)

A few more points…

The judgement being concluded our first duty is to pass an order of discharge under Section 337, Code of Criminal Procedure, in regard to all the approvers, viz.; -

Anokh Singh, Arjan Singh, Bachan Singh, Balwant Singh, Bhagat Singh, Ganda Singh, Kala Singh, Mul Singh, Granthi, Nand Singh, Natha Singh, Puran Singh, Sundar Singh (Asa Majra), Sundar Singh (Wadali Guru), Surain Singh, Teja Singh, Udham Singh and Wasawa Singh. No order of discharge is necessary in regard to the approvers who are common to this and the last case; they having been discharged on the conclusion of the former case Our second duty is to record our appreciation of services variously rendered in the investigation and conduct of the case.

We do not profess to say who has done best; and we do not think it necessary to mention those to whom we referred in the last case.

Of police officers who, each in their own way, have done good service, we would mention Sardar Harkishen Singh, Sardar Suchet Singh (Kapurthala), Inspector lqram-ul-haqq, Sub Inspector of Police Kishan Singh (Faridkot), Head Constable Gurdit Singh (Faridkot), Police Constable Mahan Singh (Kapurthala), Inspector Muzzaffar Khan (Mardan), Circle Inspector of Police Dhanpat Rai, Sub Inspector of Police Teja Singh, Sub Inspector of Police Syad Ijaz Hussain, Head Constable Hakim Singh, Inspector Shabir Hussain, Inspector Shaikh Abdul Aziz, Sub Inspector of Police Jagat Singh, Inspector Aziz-ud-din, Head Constable Muhammad Sadiq and Sub Inspector of Police Sodhi Inder Singh (Calcutta).

Of the general public we desire to record our appreciation of the actions of Sham Singh (witness 62), Anokh Singh (witness 63), Harnam Singh (witness 56), Bhola Singh (witness 59), Mahant Kirpal Singh (witness J33), Nirbhai Singh (witness 60), Sundar Singh (witness 65),

Harnama (witness 66), Kundan Singh (witness 139), Sardar Ali (witness 172) and Rassaldar Major Bahadur Singh (witness 238).

We make no reference to any of the Gazzetted Officers who have conducted the investigation, for the reason that they themselves have preferred to give those working under them the full credit for the work done.

We wish to express our indebtedness to Mr. Green, Sergeant, Mohammad Afzal, Sub-Inspector of Police, Devi Dial, Sub-Inspector of Police, and Muhammad Alam Khan, Sub-Inspector of Police, who have been incharge of the prisoners before us throughout this trial, and who have performed arduous and trying duties with tact and smoothness.

We have also to thank the official reporter for his careful reports, the Government Press for the work of printing our records, done with speed and accuracy, the Jailor, who has done much for our comfort, and the whole of our office staff- and particularly our reader; who, without exception, have laboured hard and cheerfully for the eleven months we have been engaged on these cases. Without the very efficient assistance given us by our staff, our toil would have been considerably increased. Lastly, we have to again thank the Government Advocate, who has been ably assisted by Mr. Taj-ud-din and Mr. Ram Lal, for the very great skill and care with which the case has been prepared and presented to us, and the Counsel for Defence who have discharged the arduous duty of defending the prisoners.

Judgement pronounced. The accused have been informed that they will receive copies of the judgement; and that they should file their petitions, if any, within eighteen (18) days from this date.

Author's Note: No such order was passed in the main case.

A. A. IRVINE,
The 30th March 1916. President of the Commission.

T. P. ELLIS,
The 30th March 1916. Special Commissioner.

SHEO NARAIN,
The 30th March 1916. Special commissioner.

(SLCC Judgement p. 359)

F — WAGING WAR AND ABETMENT THEREOF

(a) Tribunal's Observations in Lahore Conspiracy Case

It would be a profitless task were we to attempt entering into the niceties which have gathered round the words "levying war" used in the English Statutes. The law is summed up in Halsbury's Laws of England as follows. The *Italics* are ours:–

> "To constitute a levying of war it is not necessary that blows should be struck; there must be *bellum levatum,* but not necessarily *bellum percussum*. It is sufficient, if there is an arming and arraying in warlike manner, as by enlisting and marching troops, *or if there is an assembling in great numbers with warlike* intent, *or a cruising in a ship with the like intent* (g). A bare conspiracy or consultation with a view to levying of war, though it may in some cases amount to an overt act of compassing the King's death, is not a levying of war against him (h)" Halsbury's Laws of England, volume IX, paragraph 880, p. 453.
>
> [Citing — (g) Fost 208; Hale, P.C. 131,144 R.V. Vaughan (1696), 13 **State** Tr. 485, 532; R.V. Dammaree (1710), 15 State Tr. 522, 606. See also title Constitutional Law, Volume VI, p. 348. (h) 1 Hale, P.C. 131]

In the Indian Penal Code, the words used are "waging war". If the words "levying war" and "waging war" are synonymous or interchangeable expressions, the above exposition of the law may be adopted in the present case and each accused's case dealt with accordingly, but there are certain Indian decisions on the subject which require examination.

Now, the accused in the present case are not charged with actual waging war, but only with abetment thereof.

We have to see first what amounts to abetment as defined in the Indian Penal Code, secondly what is the punishment for it. Abetment is defined in the Code as follows:

> "A person abets the doing of a thing, who —
>
> *First* — Instigates any person to do that thing; or
>
> (For commentary see part II, chapter IV, section 83).
>
> *Secondly* — Engages with one or more other person or persons, in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or,
>
> (For commentary see part II, chapter IV, section 84).
>
> *Thirdly* — Intentionally aids by any act or illegal omission, the doing of that thing."

To understand the full import of clause (2) it is necessary to bear in mind explanation (5) to section 108, which is as follows:–

> *"Explanation 5.* — It is not necessary to the commission of the offence of abetment by conspiracy, that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed."

Likewise clause (3) must be read with Explanation 2 to section 107 which is:—

> *"Explanation 2.* — Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act."

Clause 1 as the words clearly show, supposes an instigator and an instigated. We do not see how we can apply this clause to the present case without involving the case in complication. Although the Bombay High Court says that the person instigated may be an unknown person, *per* Heaton, Justice, 34 B., 394, which will be referred to presently, yet it is indeed rather a difficult task in the case of a body of men combining to do the same thing to say who is the instigator and who the instigated; we will leave this clause out of account. The second clause deals with what is called abetment by conspiracy, but in this difficulty is that the engagement in the conspiracy does not merely mean joining a conspiracy in its initial stage of formation. To bring in an accused as an abettor under this clause it is necessary to prove that the accused was engaged in the conspiracy down to the time when the offence was committed or when the act was put in the course of actual execution, 10 B.H.C.R., 497, 26 All. 197, Mayne's Criminal Law, 247, 248. Moreover it is necessary in this clause that an act or illegal omission should take place in pursuance of the conspiracy. Those who form themselves into a body of conspirators, and remain in it throughout, can be brought in the clause if some act or illegal omission takes place in pursuance of the conspiracy, but not those who join the conspiracy originally but either voluntarily or involuntarily or owing to some other causes do not remain engaged in it till the commission of the offence or the putting of the act into actual

execution. On the view we are going to take as to what constitutes waging war there will be only very few of the present accused who will not come within this clause. The third clause however is a very wide one; all who "intentionally aid by an act or illegal omission the doing of that thing" which includes acts either prior or at the commission of the act in order to facilitate the commission of an act. But to bring any of the accused under this clause, it has to be established in what way or by what act he intentionally aided the commission of the offence.

On the charges framed we cannot discuss the provisions of the new Chapter V-A added to the Code by Act VIII of 1913 on the 27th May 1913 dealing with the punishment for criminal conspiracy as a substantive offence. But even if we do, the result is the same, because there too the offender is punishable as an abettor, which necessitates-reference to the sections of the Penal Code dealing with punishments. Mr. Mayne points out that it is only a matter of convenience regarding procedure whether an accused is dealt with under Chapter V-A for the substantive offence of criminal conspiracy, or under chapter V for abetment by conspiracy — Mayne's Criminal Law, pp. 247,248. This is apparently doubtless a correct view in majority of cases, but the difficulty arises when the engagement of all the conspirators is not uniformly continuing down to the commission of the offence.

It is consequently far more convenient to resort, and to confine ourselves to the third clause, which is much wider in scope, and is not hedged round by any limitations or qualifications.

Assuming that in every case of abetment an abettor and principal offender are presupposed, except in clause II which is a case of mutual abetment, it is not necessary for clause 3, as we read it, to determine the identity or the existence of a principal offender. Once abetment under any one of the clauses is established, the question of punishment presents no difficulty; because in section 121 actual waging of war and an abetment to wage war are placed on an equal footing, whether the offence of waging war does actually take place or not. In the case of waging war the abetment is treated as serious as the waging itself, though the same is not the case in several other offences where punishments are regulated according as the offence is or is not committed, — *vide* sections 115, 116.

The convenience of section 120 B is, that once an offender is proved to be a party to a criminal conspiracy as defined in 120 A, he is treated at

once as an abettor for punishment without reference to the definition of abetment. In other words while section in 107 abetment by conspiracy something additional to mere conspiracy is required to be proved which is not necessary to prove in the case of conspiracy under 120 B, because it is another form of abetment in itself, so that if the offence thus abetted (namely under 120 B) happens to be waging war, section 121 at once becomes applicable, rendering the conspirator liable as if he had himself waged war.

If the question of punishment be relegated to section 109, which however, comes into play only when the Code does not elsewhere specifically provide for punishment of abetment, a finding that the offence abetted has been committed is necessary to mete out the same punishment to the abettor as it provided for the commission of the offence itself.

If we are relegated to section 109 we are quite prepared to hold that in the present case the offence of waging war has been committed.

The question then, is what do the words "waging war" mean.

In 37 Cal. 467 at page 505, the learned Chief Justice observes:

> "It is argued on behalf of the Crown that it was intended by the framers of the Indian Penal Code to reproduce the English law of treason in its entirety, that is to say, not only the Statute Law, but also the interpretation placed on it by the cases. But any one who has studied the history of section 121, which was a part of the law of the land before its incorporation in the Indian Penal Code, and the literature on the subject, must know that this was not the intention of those who framed the provisions…" I think it right to refrain from discussing in detail the meaning of section 121, for in the circumstances the question does not arise."

In the same case Carnduff, Justice, at page 518 observes:–

* > "And, thirdly, I agree in considering that the expression 'wages war,' which is used in section 121 of the Penal Code, must be construed in its ordinary sense as a phrase in common use in the English language, and that it is impossible to hold that any of the overt acts alleged in this case amount to the offence provided for by that section."

In the short note the overt acts sought to amount to waging war are given.

> "The expression *'wages war'* in section 121 of the penal Code must be construed in its ordinary sense, and a conspiracy to

wage war, or the collection of men, arms and ammunition for that purpose, is not waging war."

Mr.' Mayne at pages 278 and 279 in an able comment does not seem to approve of the *dicta* in this case. He cites 34 Bom. 394 in support of his view. It is useful to quote the words of Heaton, Justice, for the distinction he has drawn between an act to inflame and excite a state of mind and an incitement to action.

"Per Heaton, Justice:– Under section 107 of the Indian Penal Code there may the instigation of an unknown person.

The world 'abet', as used in section 121 of the Code, has the same meaning as is given to it by section 107. The 'abetment' meant by section 121 is not necessarily confined to abetment of some war in progress. There may be, and usually is, instigation of rebellion before rebellion actually begins: that kind of instigation is under the Code abetting waging war against the King.

* So long as a man only tries to inflame feeling, to excite a state of mind, he is not guilty pf anything more than sedition. It is only when he definitely and clearly incites to action that he is guilty of instigation and therefore abetting the waging of war" (34 Bom. 394 per Heaton, Justice)

We need not discusses the soundness or otherwise of the Calcutta case, because the view we take steers clear of that case. It is not simply the collection of men and ammunition on which we hold "waging war" proved, but a good deal more, as will be evident presently form the historical part of this judgement.

(b) Tribunal's Observations in Supplementary Lahore Conspiracy Case

Reasons for discussing the term "Waging War":

In our judgement in the first Conspiracy case we did not think it necessary to discuss at any great length the meaning of the term "Waging War" in section 121 of the Indian Penal Code. We considered the facts found were so obviously acts of waging, or the abetting of waging war, that it would be profitless task to discuss the legal aspect at any length; particularly when it was never seriously urged by anyone for the defence that, if the facts were established, they did not, in law, amount to acts of war or abetment of war.

In the present case, it has been advanced by Counsel, however, that, even if the facts alleged are found to be established, they do not

amount to acts of war, or attempt at war or abetment of war, but to some lesser offence, such as conspiracy, or preparation as the case may be.

Presuming that this argument is advanced seriously, we must discuss it, though the discussion will extend to several pages.

Considerable play has been made with the judgement of the Calcutta High Court reported as 37 Cal. 467, as if that judgement were an authority in support of the proposition, that there was no waging of war.

To understand that judgement, a judgement, which so far as it touches the question of waging war, there is no necessity for us to contest, **and** to understand the meaning of the words "waging war" in section 121, Indian Penal Code, it is necessary to consider the origin and history of the Law relating to High Treason in England (*S.L.C.C.:*pp. 104-115 Omitted — Ed.).

Definition of Waging War — inclusive not exclusive

We do not desire to attempt any exclusive definition of the term "waging war against the King"; and we are far from desirous of stretching the phrase in any particular; but the cases and the authorities we have now discussed establish, we think, beyond question that the term "waging war against the King" includes all cases where a number of armed men, assemble with the express object of subverting by force the King's Government as by law established, and, having so assembled, move to effect such object,whether or not in so moving there is any actual collision with those supporting the King's authority. Much more is it waging war, where there has been collision.

Acts of war committed

With this definition before us, the collection and movement of armed men in and from America, and the Far East, and sailings on the Korea and other vessels with the express object of subverting by force the King's Government in India is an act of war; and further acts, which even if standing alone are acts of waging war, in the course of war then commenced are:–

- *(a) the gathering of armed men at Jhar Sahib and Khairon mound on November 26th 1914, moving to Sarhali,*
- *(b) the movement of the armed men to Lahore Cantonments on November 25th 1914, to attack magazine there,*
- *(c) the gathering of armed men in Ferozepore Cantonments on*

27th November, their movement in the direction of Moga to attack treasury there, their collision (which is bellum percussum) at Ferozeshar, with those resisting them and supporting the King's authority,

(d) the collection at Mullanpur Station and elsewhere, on the 19th February 1915, and their movement to Ferozepore with the intention of storming the arsenal there,

(e) the gathering of men armed men at Kapurthala, their movement to the Walla Bridge, and their attack at that place on 11th June 1915 upon Military forces of His Majesty,

(f) the various movements to attack railway bridge guards.

On the most narrow possible interpretation of the term "waging war", it is quit clear that war was waged by the revolutionists.

Particular acts of war not separable

We wish at this point to make it perfectly clear that we do not regard these several instances of military array as separable; they are all part and parcel of one common war.

They are separate actions in the course of one war; and, though the person taking part in any one of them is indictable for that particular action, he is indictable for participation in the war as a whole as well (S.L.C.C. pp. 116-120, Omitted — Editor).

Punishment

We have only to add a small paragraph relating to punishment. The Indian Penal Code provides that all persons guilty of waging war, or attempting to wage war, or abetting its commission shall be punished with death, or transportation for life.

The minimum punishment, no matter how small the part taken by a particular individual might be, is the transportation for life, and though we are prepared to recommend individuals to mercy, as we did in the last case, we as a court of law are bound to award the punishment the law provides. The severity of the punishment provided by law, where war has been waged against the King, or even plotted is necessary for the preservation of society, of law and order and to enable decent respectable citizens to live in peace.

We cannot do better than quote the reasons the Law Commissioners themselves gave for providing a heavy punishment.

"We agree with the great body of legislators in thinking, that though, in general a person who has been a party to a criminal design, which has not been carried into effect, yet an exception to this rule must be made with respect to high offences against the State; for State crimes, and especially the most heinous and formidable State crimes, have this peculiarity, that, if they are successfully committed, the criminal is almost always secure from punishment. The murderer is in great danger after his victim is despatched than before. The thief is in greater danger after the purse is taken than before, but the rebel is out of danger as soon he has subverted the Government. As the penal law is impotent against a successful rebel, it is consequently necessary that it should be made strong and sharp against the first beginnings of rebellion...." (Cited by Bhagat Singh in his Jail Note Book).

(C) Editorial Note on the Issue — 'Waging of War'

Comparison of the two judgements

Sr. No.	Item	Lahore Conspiracy Case	Supp. Lahore Conspiracy Case
1.	Date of judgement	13 September 1915	30 March 1916
2.	Convicted Under Sec. 121	51 (For Abetting by "Aiding" *vide* s. 107 'Thirdly')	52 (For Abetting by "Aiding" *vide* s. 107 'Thirdly')
3.	Sentenced to death	24 out of 51 above	5 out of 52 above
4.	Discussion on 'Waging of War'	In 3 pages	In more than 15 pages
5.	Justification for death sentence	Nil	Given over hall a page at the end of discussion *vide* item 4 above

6. The Tribunal during the trial of the first case had literally played with the lives of the accused, evidenced by the fact that it did not bother to even provide a copy of the judgement to the accused and above all did not make any provision for submission of petition for mercy which was permissible under law, which was done in the Second case:–

"Judgement pronounced. The accused have been informed that they will receive copies of the judgement; and that they should file their petitions, if any, within eighteen (18) days from this date."

The Poser: **How does the Tribunal justify an elaborate disquisition on waging of war only in Supplementary Lahore Conspiracy Case judgement despite the fact that it had sentenced in Lahore Conspiracy Case (First Case) 24 out of 51 convicted u/s 121 IPC to death in juxtaposition to bare 5 out of 52 in the Supplementary Lahore Conspiracy Case (second case)?**

Explanation given by the Tribunal:

The Tribunal in the second case has dwelt upon the evolution of Section 121 from the obsolete law of Treason, as explanation wading through a rigmarole of statues and case law, which amounts to nothing except beating about the bush.

The true explanation is provided by the context in which the second case judgement was arrived at:—

As many as twenty four Ghadrites like Kartar Singh Sarabha and Baba Sohan Singh Bakhna were sentenced to death by the Special Tribunal on 13 September 1915. Their hangings were imminent, there being no provision of appeal against the verdict of the Tribunal. However, the Indian Government was hesitant on effecting such large-scale executions since they relied heavily on Punjab for their army manpower, which was their dire necessity of the hour, in view of the War threatening the Empire. The Viceroy then exercised the only legal option open to him, viz., to review the sentences as the executive head.

The Viceroy was deemed to exercise this power 'In Council' or his 'cabinet'. Besides him, the two other key players were Craddock, the Home Member and Sir Ali Imam, the Law Member. The ball was set rolling by Punjab Lt. Governor Sir Michael O' Dwyer who had put an elaborate case against all except one (Kala Singh) whom only he could consider fit for mercy.

Craddock, the Home Member, then, after a detailed analysis found five more cases whose sentences could be condoned, namely, Balwant Singh, No. 5, Nand Singh, No. 53, Khushal Singh, No. 65, Rulia Singh, No.68 and Sawan Singh, No.69.

Afterwards, Sir Ali Imam, the Law Member, scrutinized each case to find out whether as per the judgment of each individual accused, the Tribunal had marshalled cogent facts and inferences to make out specific offences under the relevant Sections of the Indian Penal Code. He

identified the loopholes in most of them, since the Tribunal judges had been rather arrogant in this regard, there being no provision of appeal to any higher legal forum against their findings.

Accordingly, Sir Ali Imam recommended commutation for all except seven, namely Bakhshish Singh, No.7, Harnam Singh 'Sialkoti', No.24, Jagat Singh, No. 32, Kartar Singh Sarabha, No.39, Vishnu Ganesh Pingle, No. 59, Surain Singh, S/o Bur Singh, No.75 and Surain Singh, S/o Isher Singh, No.76; of these, Kartar Singh was recommended for mercy because of his raw age, because like Sir Ali Imam I (too) abhor the execution of very young people as I can remember in my own case that at the age of 19 and 20 I had many foolish and unformed views which I would be sorry to hold now.

Significantly, Viceroy Lord Hardinge, gave his unreserved consent to the commutation of all including Kartar Singh, in whose case he personally agreed with the Law Member provided the majority of members agreed with him; in case there was a tie, he (Viceroy) would vote in favour of Sarabha.

(Significantly, no other Member, except the only other Indian Member Sir Sankaran Nair agreed with the Viceroy. — Eds.)

When this went to the other members, namely, Mr.Buff, the Commander-in-Chief, Clarke, Hilly and Craddock, the undercurrent of resentment was too obvious. Buff made a short comment simply vetoing mercy for Kartar Singh.

Clarke felt irked that the Law Member had acted as virtual Court of Appeal, whereas the Defence of India Act, under whose authority the Tribunal was constituted, had consciously refrained from so providing. Regarding the Viceroy's comments, they felt slighted by his remark that he was "... constitutionally bound to accept the interpretation of law as given by the Law Member of my Council..." "What for then are we being asked to comment?" was the refrain of their notes.

To the argument adduced by the Viceroy that there being no provision of appeal and hence he had to rely on his Law Member's opinion, Craddock retorted that this indeed was done on mature consideration and on cogent grounds, namely, extraordinary circumstances and hence 'anamolous'.

*The **legal debate** revolved around the applicability of Section 121 of Indian Penal Code, for the offence of 'Waging war against the King'. Sir Ali Imam and Sir Sankaran Nair, the other Indian Member of the*

Council, also a legal luminary, who dittoed Sir Ali Imam, though in his own way, felt that the 'war' had not actually been 'waged'; only preparations were made, which constituted lesser crime attracting, at the most, life sentence. The English lobby excepting Viceroy, on the contrary, vehemently argued that war had actually been waged vide 'Ailan-e-Jung' of 4 August 1914, followed by war-like arrays.

But as the entire exercise moved to climax, even Craddock had to concede that the Tribunal had failed in the task of "...finding facts to bring the petitioners (accused) within the four corners of Section 121 of the Indian Penal Code, and the Commissioners (Judges) had failed to connect the facts found with particular offences for which they had convicted the prisoners".

The English lobby felt deeply perturbed that as a result of the 'laconic findings and sentence in each case recorded at the end of the judgment' 'principal movers in this dangerous conspiracy will receive a lesser punishment than the minor agents...'

There was also an undercurrent of disgust that this large scale downgrading of the verdict of the high profile 'Special' Tribunal would dilute its credibility in the public eyes. Hence, it was decided to keep the reasons behind the commutations, confidential.

(For the manuscript files sourced from the National Archives, Editors are beholden to the dedicated historian, Late Bhai Nahar Singh ji, M.A.)

Certain leaflets were in circulation in the opening decades of twentieth century, many of which originated from abroad and were then smuggled into India, calling upon the countrymen to rise and overthrow the foreign government. Some of these fell into the hands of British intelligence. Of these one called 'Khalsa Pamphlet' had been found in the National Archives of India by Bhai Nahar Singh and his associate Bhai Kirpal Singh and reproduced as Appendix: 3 in their monumental work "Struggle for Free Hindustan". We gratefully acknowledge our gratitude to them in allowing us to reproduce any material there from in the work in hand. — Editors.

APPENDIX I
"KHALSA PAMPHLET"

Certain leaflets were in circulation in the opening decades of twentieth century, many of which originated from abroad and were then smuggled into India, calling upon the countrymen to rise and overthrow the foreign government. Some of these fell into the hands of British intelligence. Of these one called 'Khalsa Pamphlet' had been found in the National Archives of India by Bhai Nahar Singh and his associate Bhai Kirpal Singh and reproduced as Appendix: 3 in their monumental work "Struggle for Free Hindustan". *We gratefully acknowledge our gratitude to them in allowing us to reproduce any material there from in the work in hand. - Editors.*

Posted at Highgate-London
17.9.1910-21.10.1910.

Vande Mataram

KHALSA

"He whose soul no slavery fills,
He who rides the fiery steed,
And to righteous battle speeds,
Saves the weak, oppressor kills,

He is of the *Khalsa*.
He alone, and none but he."

— Guru Gobind Singh

"The insatiable Goddess of Duty", said he, "demands a bloody sacrifice. Is there any one amongst you who will tear his heart out and pour forth his blood instantaneously to propitiate this hungry Goddess?" At this the surging multitude sunk in death dumb silence!

It was in the year 1699 A. D. that one of those historical moments, which make or unmake an epoch, dawned its eventful light on the scenes of Anandpur. There were called the innumerable disciples of the great Guru, and from far and near. Punjab had sent her hundreds and thousands of stalwart hearts and fiery souls to wait on the pleasure of their youthful leader. Anandpur the city of joy had extended her welcoming hands and fragrant flames and smiling fields, engaging walks and golden tents had invested the whole scene with the awe and beauty of a fairy-land. At last the auspicious day dawned and the sea of human mass began to move and converge at the appointed place. Thousands of the faithful disciples, painting different pictures of the probabilities of the coming event before their mind's eye, stood on the tiptoe of expectation. Suddenly a figure - young, stalwart and commanding - rushed forth from the Central tent, and jumped upon the platform with lightning like rapidity. From his eyes beamed a noble flash, around his face shone a resplendent halo and in his hand bristled a sharp, naked, dazzling sword.

At this sudden emergence of the Commander of the infinite multitude in spellbound awe, stood hanging on the lips of the young conjurer. The well-known figure raised aloft the dazzling sword and pointing to its burning flames, in tones irresistible and deep began to let his disciples know his will and pleasure. His lips moved and like the rumbling of the volcano, came out the deep-distinct words:–

> "I want to soak this sword into the blood of man. The insatiable Goddess of Duty demands a bloody sacrifice! Is there any one amongst you who will tear his heart out, and pour forth his blood instantaneously." At this the surging multitude sunk into death-dumb silence.

A moment's clam, and stood forth a man Dyaram Sobti — a Khatri of Lahore, out of the thousands and offered himself as a candidate ready to be slaughtered by the Guru's sword as a victim on the altar of the

hungry Goddess if that would prove the redemption of his nation! He was at once taken to the Central tent, a moment passed and the terror-struck eye of the multitude witnessed a stream of blood rushing forth from the tent. The first sacrifice was offered! The Commanding figure jumped back again from the tent to the platform, and raising aloft the oozing and red sword, shouted aloud "I want to soak this sword into the blood of man. The insatiable Goddess of Duty demands a sacrifice! Is there amongst you a second one, who is ready to pour forth his blood, let him stand up."

And from the faithful many, a second one Dharama — a Jat of Delhi, did stand up! He too was taken into the tent, and the thirsty commander again rushed to the platform, again waved the terrible sword, again demanded a victim, and again found his disciples not wanting, though he repeated this ordeal five times in succession.

These five victims were the first *Khalsa*, and the young god-head that blood thirsty commander, was our hero — Shri Guru Gobind Singh.

Those alone, who not only believe in the truth of a principle, but are ready, nay greedy, to catch at the first opportunity of offering their breasts to be thrust in, by a pointed steel so that the uncompromising Goddess of Duty might be propitiated — they alone are the *Khalsa* — the liberated, the chosen! To test and to choose such martyr spirits from amongst his disciples this fiery ordeal was gone through, and those who passed triumphantly through it were taken by the Guru into the tent, one by one, each time killing a goat instead, without letting the rest know of this substitution, and when the fifth martyr was chosen, the Guru asked all of them to come out and declared these as the first *Khalsa* — the liberated — that five proved, that the *BHARAT* race was not dead, that the inherent powers of the Mother were only slumbering, and that there were in the nation's heart potentialities, which, if but a master voice can evoke them out, would flame forth to avenge the national injuries, to redeem the national honour! These five were the five elements out of which the great Guru wanted to evolve a nation!

So on the first of Baisakh in Samvut, 1756 (1699 A. D.); the Guru held a great *Durbar* at Kesgarh. It was an imposing scene. The Guru, dressed in a right royal dress, sat on his throne, and round him — he seated the chosen five. He dressed them with his own hands in suits, as gleaming as the beams of their eyes, and declared that from today or the day of the birth of the great *Khalsa* — the protector of the native faith,

the liberator of the native soul, a New *Yug* or Era will start in *BHARAT VARASH*. To consecrate this new born strength he brought water with his own hands from the river flowing by in an iron pan, placed the pan in the midst of the assembly, and began to stir it with the point of his own *Khanda*[1].

Unsurpassed are the mysteries of great minds! What will-power he transmitted and through what channel from his mind to that water — in the iron pan — none can imagine the mysterious accents fell from his lips, the *Japji*[2] and *Japsahib*[3], all the while the Divine Conjurer went on stirring, it was the latent energy of the race that he stirred and roused and evoked. Then he took the water in his hand, ordered the chosen five to stand by and sprinkling that cooling drops on them, touched their eyes with *Amrit*.

The names of these five Khalsas were changed from Dyaram to Dya Singh, Dharama Jat to Dharam Singh, Himatia to Himat Singh, Mohkam to Mohkam Singh and Sahib Das to Sahib Singh. Their old castes and professional names were dropped and they were now the members of a casteless and classless association of people. Then the magnanimous Guru performed a unique act of Grace in the history of the religions of the world. He asked the five Khalsas to baptise him with the same *Amrit*, with which they were transformed into KHALSA. The Guru now stood before the five *Khalsa* asked them to baptise him with *Amrit* and make him a *Khalsa*, like them. He was similarly baptised and became Guru Gobind Singh from Gobind Rai. The sky was rent with the cries of joy acclaiming

> *Wah wah Guru Gobind Singh Ape Gur Chela.*
> *Weh Pargateo Mard Agamra Waryam Akela*
> "Hail, hail to Great Guru Gobind Singh. He is the Guru or Preceptor of his disciples, as well as a disciple of his own disciples recognising them as his preceptors. He is a unique person born on this earth. The only one a hero and warrior."

After performing this solemn ceremony of getting himself initiated and included into the rank and file of his own *Khalsa*, his *(Jan* and *Parari),* Body and Soul, he announced the names of five more persons present in the Congregation. They were administered *Amrit* by the first batch of five *Piaras* under his supervision. They were given a new name of *Muktas* or liberated ones. These blessed persons were Fateh Singh, Ishar Singh, Ram Singh, Dalip Singh and Deva Singh. They were assigned

the duties and responsibilities of running the institutions *Langar* (food for all), *Sangat,* and uplift of oppressed *Manush Jati*. *"Sarbat Ka Bhalla"* i.e. welfare of all people of the world.

Concentrations of look and behold! The eyes of the whole Hindustan were opened, for within a decade of this historical touch the name of the *Khalsa* was raised aloft, the battle of freedom began, and the crowns quaked and thrones tumbled. Guru touched the eyes of his Sikhs with that water in his hand. Ah! The very name of the initiation was *Amrit* — the Nectar of Immortality.

It was not only the physical man, who drank the water of immortality, but the moral man and the political man too was touched by the mystic hand of the Guru. He proclaimed a great and glorious republic, based on the eternal verities of unity of God and brotherhood of man. All the demoralising iniquities that had crept into society were swept off and the equality of man was restored. All the Sikhs of the Guru are one — equal and free. They all belong to the same caste — the caste of warriors, warring incessantly for the triumph of truth, for the glory of God, and for the liberation of man. Thenceforward every man who drinks this *Amrit* ceases to be a coward, and becomes a Singh — a lion. To remind them of their divine mission of warring incessantly for the extirpation of injustice and oppression, they are under perpetual vow of *Tyag* or detachment from worldly pleasures and treasures. The Sikhs must not shave; the Lion cannot shave his mane! They must wear round their arm the symbol of their unfulfilled and ever to the fulfilled vow, the *Kara,* not of gold, nor of silver, but of iron. In order that in the performance of Duty not one moment should find them lax, they must have their loins girded up with the athletic touch, and he is no *Khalsa*, who is found without a sword by his side. *You can deprive a Sikh of his life, but you cannot deprive him of his sword- he clutches at it with such a grip, that though his life goes away the sword of the Sikh warrior still remains indissolubly fixed in his fist*.

These are the famous Punch *Kakaras, The five K's, the Kesh, Kangha, Kaccha, Kara pnd Kirpan*. So transparent in their simplicity, so poetic in their significance, so appealing in their tradition and these symbols, that instead of compromising the ideal, they go to beautify its abstraction by investing it with a poetical concreteness. All those who gain this *Order of Immortality* are *'Bhais'* brothers, have got the same father, the same mother the same place of birth — Anandpur Sahib.

They partake of the *parsad* out of the same bowl, they dress in the same uniform, they all are the servants of the same *Akal Purakh* — the immortal one, the timeless Being.

Great was Plato, when he wrote his ideal Republic, great was Geurgus when he translated his military ideal into the gigantic fact of a Spartan state, but greater by far is the Republic of this great Indian; *"this Khalsa of our Guru Gobind Singh"*. A great commonwealth, rejecting the ignorance of the human nature of the former, and the physical excess of the latter; so beautifully balanced in its philosophic and practical aspects that philanthropy ceases to be weak and becomes as sharp as a sword, and sword itself by the very thirst for blood, becomes as tender as a philanthropic-nurse.

Such was the birth of the great *Khalsa*. The Guru himself tells us in the autobiography, that he was sent to this earth to restore the "Glory of God and for the liberation of man, by extirpating the wicked and the tyrannical." Before death he was asked who was his successor. He took up the Guru *Granth Sahib* and enthroned it and declared that no human being can succeed him as a leader of the *Khalsa* but the *Khalsa* was to be led and commanded and ruled by the Guru *Granth Sahib* and *Principles* alone. "Wherever" said the dying Guru, "Five of My disciples assemble, there know *me to be present"*.

"My disciples", O, Guru, where are those "My disciples"? To be your disciple, to be your Sikh is to be a lion — a Singh, is to tolerate no oppression, is to be a life-long warrior — not to prostitute the sword in the furtherance of wrong, but to consecrate it by the propagation of virtue. When, Oh, when, shall we find "My Sikhs" to the number of five, for then our Guru will be present amongst us, and when Guru Gobind Singh is present amongst us, good God! Then the woes and the degradation, and the downfall of our race and soil are gone forever! Indeed such five men as he breathed into life on that first day of *Baisakh* are sufficient to ennoble whole nation.

Over the whole forest the Jackals of famine and tyranny, and treachery are stalking victorious — where is the *Singh* — the lion who at his thundering will assert the lordship of his native soil? This *Khalsa* — the Guru created as a sword in the hand of the *Mother Bharat* — not for Punjab alone. The Great Guru and his sons and followers poured forth their blood in unmeasured quantities destroyed the tyrants and threw back the invaders. At present the whole body of the Motherland from

Himalayas to Cape-Comrin is dying, her life blood sucked off — Punjab, where every stone has a tale of some Sikh martyrdom to tell; Bengal, where Teghbahadur and Nanak lived and preached, the Deccan, where the ashes of the mighty dead are treasured in the Godavari — are groaning under the death disease.

Patna — the very birthplace of the Guru is a weeping slave and Anandpur — the City of Joy is buried under the heap of treachery and shame. The Guru told the Brahmins that to *repeat* the prayer is no Dharma, but to *act* the prayer is the real Dharma. Will he not hurl the same lance at us when he sees us repeating his prayers like parrots — unconcerned amidst the wailings and weepings of three hundred millions — as if that was a music and keeping engaged ourselves in repeating our *Japji* and *Shabads*. The sword, which he gave to protect *Dharam* and *Desh,* has not that very sword traded on treachery?

A Sikh was hailed as a patriot by the Motherland and as a hero by the world abroad. But Oh — shame! Now Sikh has become a nickname for tiller at home; **a** synonym for a labourer or a *Coolie* in the coasts of both the Pacific and the Atlantic.

But this cannot last long. The Guru will not leave us. Even as he said, the sparrows shall kill the hawks. The trumpet call of duty is sounded and it is never too late to mend.

Therefore,

Awake, Oh, *Khalsa*,
Arise, Oh, *Khalsa*,
And never again shall we be fallen.
Liberate BHARAT MATA from Clutches of
MALECHH FARANGIS.

SAT SRI AKAL

Notes

1 A double-edged sword.
2 The opening hymns of Guru *Granth Sahib* articulated by Guru Nanak.
3 The hymn authored by Guru Gobind Singh eulogizing the Timeless One the God.

The "Free Hindustan" Newspaper, edited by Tarak Nath Das in Seattle (Washington State) of U.S.A. used to publish articles regarding India and Indian emigrants and to send it to newspapers in India and Indian public leaders. He figures as an accused in the San Francisco Case at serial No. 20. In the opinion of the British Government in India, these writings and the articles were of revolutionary nature and were spreading sedition among the Indian people. Decision was taken to stop their entry into India vide a letter of 3rd October 1908. The British Government approached the USA Govt, for taking stringent action against FREE HINDUSTAN. The Federal (Central) Government of USA asked the opinion of the State Lawyer. The opinion is reproduced here verbatim. The Government of India was utterly disappointed to note these comments, which can be well understood. The note by Sir C.R. Cleveland of 5.7.1911, followed by other notings is significant in this regard. These notings are also reproduced at the end of the report. — Editors.

APPENDIX II

AN AMERICAN LAWYER'S OPINION ON "FREE HINDUSTAN" NEWSPAPER

Home Political A-September 1910,
No. 4 and keep with

Subject— An American State lawyer's opinion on the criminality or otherwise of Indians in America, who advocate a murderous revolution of India. Case of the FREE HINDUSTAN.

District Attorney's Office
County of New York.
Sept. 13,1910.

Charles S. Whitman,
District Attorney.
Matter of Free Hindustan

To H. E. Charles E. Hughes,
Governor of New York.

Sir,

After a careful examination of the copy of "Free Hindustan" hereto annexed, I am of the opinion, that the publishers are not guilty of any violation of the penal law of the State of New York.

2. The Free Hindustan is a pamphlet or publication purporting to be printed and issued in the city of New York. It describes itself as "An Organ of Freedom, and of political, social and religious Reforms". Its entire matter is devoted to affairs in India, and many of the articles suggest, advise and urge a revolution against British Rule in India. Lessons are drawn from the failure of the uprising in 1857-58, and under the heading it is stated, "the sentiment of revolution in India is nourished by the best brains in India and it is spreading all over the country - like wild fire. Five years ago nobody dared to speak or write anything offensive against the British Raj, but the tide is changed and at least a section of the people is boldly declaring their right to overthrow the foreign yoke by any means whatsoever. "Some of our most beloved compatriots declared war against the British Government as they openly professed the idea before the courts. Some use the Bomb, some use the revolvers, some attempt to blow up trains" and "so on" and Indians who are friendly with the British Government, of its agents, are denounced as "the most wretched and contemptible of traitors."

In a word, it is a publication devoted to the cause of *freeing India from British Rule*.

There is no provision in our Penal Law prohibiting such a propaganda.

The only section of the Penal law which might be considered as having any application in the premises are: 160 and 161 under the head of Anarchy, as follows:

> Section 160! Criminal anarchy is the doctrine that organised government should be overthrown by force of violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such a doctrine either by word of mouth or writing is a felony.
>
> Section 161: Any person who:
>
> 1. By word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning — organised government by force or violence, or by assassination of the executive head or of any of the executive officials of

government or by any unlawful means, or

2. Prints, publishes, edits, issues or knowingly circulates, distributes or publicly displays any book, paper, document, or written or printed matter in any form containing or advocating, advising to or teaching the doctrine that organised government should be overthrown by force, violence or any unlawful means, or
3. Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing, assaulting of any executive or other officer of the United State or of any state or any civilised nation having an organised government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrine of criminal anarchy.
4. Organise or help to organise or becomes a member of, or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine.

is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

This law, as is well known was passed by Legislature of the State of New York immediately after the assassination of President McKinley and was the outcome of the demand of the people for legislation sufficiently comprehensive to stamp out anarchy whose operations at that time had become flagrantly pronounced.

Here the offence is against organised government as such, and by no process can it be extended to apply to a political offence or a political propaganda against a particular government or form of government.

Criminal anarchy means the substitution of a state of anarchy — that is, no government — for organised government. It does not include the advocacy of an uprising of revolution of persons who regard the existing government to which they owe allegiance as a despotism and desires its overthrow by means of violence or otherwise.

It is true that in the sections of the Penal Law to which reference has been made, it is made a criminal offence to justify orally or in writing the assassination or assaulting of any executive officer or of any organised government, because of his official character, but it will be observed that the intent to teach, expound, or advocate the propriety of the doctrine of Criminal Anarchy, is an essential element of this crime.

I conclude, therefore, that there is nothing in the publication which brings it within the prohibition of the statutes of this State, and consequently no crime has been committed of which the courts of this state can take cognisance.

Yours respectfully
Sd. Charles S. Whitman
District Attorney
New York County.

Government of India

Will office please put up to me as a separate case copy of District Attorney's letter of 15th Sept. 1910 with a file *of Free Hindustan*.

Sd.- C.R. Cleveland
5-7-11

Director,

Submitted with file of the *Free Hindustan*'s received for 1908, 1909 and 1910. The District Attorney's letter is at page 4 B.E.S. 14.7.11.

I think Home Department and perhaps Legislative Department may care to see an American State Lawyer's opinion on the criminality or otherwise of Indians in America, who advocate a murderous revolution in India. **The definition of Criminal Anarchy in section 160 of the American Penal Law looks promising at first sight, but is ultimately quite disappointing. I have always deprecated the use of the term of Anarchists for Indian revolutionaries. (Emphasis added: Ed.)**

Sd.-C.R. Cleveland,
19-8-11.

Department notes.
Sd.- A.P. Muddiman,
2522-8-11
Seen.

Sd.- J.M. Macpherson
25-8-11

Hon. Member.
Sd.- Syed Ali Iman
25-8-11 Home Dept.
May now be returned to D.C.I.
A.L. 28-8

Sd.-M.S. D.Butler

In the year 1910 Hindustani Association was formed in Canada. Mr. Hopkinson, a British intelligence man with Indian background who was specially deputed to watch and sabotage the patriotic activities by all means, procured a copy of the rules and regulations of the Association and sent it to the British authorities. He was ultimately killed by Bhai Mewa Singh on October 21,1914 (Appendix XVII). The text is reproduced verbatim. — Editors.

APPENDIX III

A COPY OF RULES AND REGULATIONS OF "THE HINDUSTANI ASSOCIATION" OF VANCOUVER

DATED 23rd August 1910.

Formation of Hindustani Association in Canada
Document No. 1

CANADA
Immigration Branch
Department of the Interior,
Vancouver, BC
Canada
10th March 1911

Sir,

I beg to enclose to you herewith a copy of the rules and regulations of the "Hindustani Association", appointed in this city on the 23rd August 1910. You have no doubt already heard of this association in the matter of H. Rahim[1] when his case was brought to the notice of the Hon. The Premier in a message sent by G. D. Kumar[2] as secretary of this Association on or about the 28th June last'. The pamphlet explains itself and one can easily see the objects of the Association.

I have not been able to secure a copy of the form of application to be signed by the applicant as referred to in condition I in the rules and regulations of the Association, and on an endeavour made by me to obtain one I learnt the fact that the members were bound under oath not to reveal any of the pledges undertaken in the application.

Messrs Dinggon and Bingham of 214 Barnes Street, who printed this pamphlet stated that this matter was secured by one of their solicitors from the office of the Canada India Supply and Trust Company, Limited, at 50, Hastings Street East, and from the description of the persons who gave them tte printing, it would appear, that the rules and regulations were drawn by Rahim and Sunder Singh[3].

Although up to the present, I have not had anything in the way of documentary evidence to show that Sunder Singh was or has been connected with Rahim or Kumar, this pamphlet in which his name appears as Secretary of the Association clearly shows, that he is in with the rest of them in the same work. No further action has been taken in the matter of Rahim, which was decided against us by the court.

Sunder Singh is still in Kamloopo in the "Tranquille Sanatorium", and advice from that institute shows that, he is practically recovered and will be leaving in the course of a week or ten days for Vancouver. He has been a patient in that institution since the 3rd January last. This man is under orders of deportation, but owing to his illness, combined with the pending of Rahim's case before the court, no action was taken and at the present time I am not able to state what will be done in his case.

In conclusion I beg to acknowledge the receipt of the Dominion Police Badge which arrived safe to hand on the 7th instant.

Sd.- Wm. C. Hopkinson

W. W. Cary, Esq., C.M.G.
Department of the Interior,
Ottawa.

Document No. 2

CANADA
Government House
Ottawa
29th March 1911.

Confidential.

Sir,

With reference to previous correspondence on the subject, I have the honour to transmit, herewith for your information, a copy of a further report from Mr. Hopkinson on the Hindu situation in British Columbia.

1 have etc.

Sd.-

The Right Honourable,
Leavis V. Harcourt, M.P.
Secretary of State for the Colonies.

Document No. 3
21st April, Confidential.
Reference to previous correspondence.
Letter from the Colonial office of the 30th March

Colonial Office,
Downing Street,
21st April 1911.

11753.

Sir,

I am directed by the Secretary of State for Colonies to transmit to you, for the information of Viscount Morley of Blackburn a copy of the paper noted below, on the subject of the Hindus in British Columbia.

I am etc.
Sd.- C.P. Lucas.

The Under Secretary of State
India Office.

Description.
From the Governor General of Canada.

Dated 29th March

Confidential.

Document No. 4.
Page. 4.
J and P. 1430

India Office
Whitehall S.W.
26th April 1911.

Confidential.

Dear Sir,

With reference to previous correspondence about Indians in dominion of Canada, I forward for information copy of the papers noted in the margin.

From Colonial office
21st April with enclosure.

The rules of the Hindustani Association of Vancouver may be of interest to the Director of Criminal intelligence.

Yours faithfully,
Sd.- M.C. Seton,
Asstt. Secretary,
Judicial and Public Department.

The Secretary of the Government of India
Commerce and Industry Department.

(Collaboration between English and Canadian Governments is evident: Eds.)

Document No. 5.
Copy of Book.

Hindustani Association
Vancouver BC
Canada

Rules and Regulations

Name: This Association shall be called Hindustani Association.

Object: To establish Liberty, Equality and Fraternity of the Hindustani nation in their relations with the rest of the nations of the world.

Members: Every Hindustani by his birthright is eligible to become a member of this Association, and on the following conditions:

1. That he must solemnly sign an application that he will carry out the objects of the Association to the best of his ability.
2. That he will eliminate prejudice of caste, colour, and creed for himself.

Admission: An application for admission as a member signed by himself and approved by an enlisted member, shall be presented to the Secretary or a member of the Committee. This done, his name will be placed on the roll of members.

Absent Members: Member abroad will be considered "absent members".

Headquarters: The Headquarters of this association shall, at present, be at Vancouver, British Columbia, Canada, but may be transferred to some other country or place, if approved by a general meeting specially and duly convened for that purpose.

Managing Committee: Managing Committee will be chosen by a ballot or vote in general meeting.

Officers: Managing Committee will then choose President, Secretary and Treasurer from amongst themselves, and to act as to constitutionally carry out of the object of this Association.

Meetings: Ordinary Meetings will be held every week to discuss and promote the objects of this Association.

General Meeting: A general meeting will be held every year to elect the Managing Committee the members of which will retire year by year rotation but will be eligible for re-election.

Special Meeting: The President or Secretary may convene such meetings whenever:

1. Some special by-laws are to be introduced.
2. Extraordinary expenditure is to be sanctioned.
3. Special relief is to be extended to Hindustanis.
4. A requisition is sent to the Association by at least a quarter of the members.

Fees

Patron: Any member paying $ 1000 will be designated a Patron of the Association.

Life Member: Any member paying $ 100 will be made a Life Member of the Association.

Ordinary Member: Ordinary member will pay a monthly fee of fifty cents in Canada or in India a fee of one rupee.

Departmental Services: The following services may be opened as far as means of Association allow:

1. Immigration, Emigration;
2. Sanitary and physical training bureau;
3. Social Advancement service;
4. Educational service department;
5. Political Relations Office;
6. Trade and Commercial development service;
7. Justice Department;
8. Publblication Bureau.

A general office will be established to look after above departments and general work of the Association.

Privileges of Members

(1) A member will have free access to the quarters of this association,

(2) He will be allowed a vote in the Government of the Association (3) He will be entitled to represent his grievances to the Association, which will grant him every possible redress within the practical powers of this Association, (4) Personal matters will not be attended to in preference to General matters at hand.

Duties of Officers

President: To preside over all meetings, to keep them in order, and carry out the rules and regulations. He will sign all documents for authentication, and will have the casting vote in case of a tie.

Secretary: The Secretary will keep the minutes, records, convene meetings, carry on correspondence, and make reports. He will manage organisation of this Association, and authenticate documents by signing as the Secretary. He will have custody of papers.

Treasurer: The Treasurer will keep a set of account books, properly written up to show the assets and liabilities of the association, receive and disburse money as sanctioned and directed by the Committee, will supply securities for good faith if required by Managing Committee. He will submit an annual budget, render an annual balance sheet, allow inspection of the books to the members at their request by appointing a reasonable time for the same, keep all vouchers and receipts and documents for evidence of transaction, have an audit made by the Auditors appointed by the Managing Committee.

Managing Committee: The committee, composed of ten members, will study the will of the members, suggest reforms, deliberate at their meetings, carry out their duties as the delegates of the special wards of members which they may happen to represent.

Donations: Contributions will be received on the approval of the Managing Committee or at the discretion of the President or Secretary without any obligation on the Association. Receipts must be issued from the Treasury.

Trustees: Two or more Trustees shall be nominated by the Committee to hold the property of all Association in their names as Trustees, subject to the approval of three-quarters of the membership.

Scope of Administration: This Association shall not enter into any trade or commerce.

Extra Powers, Grants-in-aid, relief fund, borrowing power, collections from public etc., must be fully deliberated upon and sanctioned by the majority of votes in the committee.

Resolutions: In regulations of all affairs of the Association, whether

in a general meeting or the meetings of the Managing Committee, the majority will prevail and the resolutions thus adopted will be binding on the whole of the association.

Change of rules: Suspension, repeal, modification or further introduction in the rules and regulations will be made only at the General Meetings, which will only be convened by giving a notice to this effect to the members.

Privileges of Absent Members: Absent members will not be sent any such notice nor their votes be counted, but their suggestions will be welcome. They will pay $ 1000 per year as fee of membership. An annual report of the proceedings of this association will be sent to them. Their inquiries will be replied to as fully as possible. They will help to promote the cause of this Association abroad.

Quorum: The Managing Committee will make a rule of quorum for themselves. The quorum of the general meeting will be one third of the members.

Officers Protem: In the absence of Presidents etc., such officers to act *Protem,* shall be chosen, by the Committee from among themselves.

Sd.- Sunder Singh
Secretary,
1652 Second Avenue
Vancouver, BC

True Copy.
Sd.-
Sapt.
Department of Commerce and Industry.

Home Department/G. G. and Viceroy's Office Remarks in the Government of India Office-B-June 1911-103 Political.

Rules of Hindustani Association of Vancouver.
From the Deptt. of Commerce and Industry
No. 3693-5 dated 19th May 1910.
Submitted for information: —D. C. I. May see
25-5-11 Secretary Buhlen
26-5-11,
Sd.-
Sd.-
27-5-11

Seal
Office of Director of Criminal Intelligence,
A Section

D. No. 2290, Reed 30-5-11
HD. u/o US 980
D.30.V.11 H.D.

Page 2.
Seen and returned
Sd.-illegible
2-6-11

Home Department U/o
D.C.I. U/o 2838 D. 5-6-11,
May now be recorded.
5/6 Bhuhier
6-6-11.

Page 3.
NO. 3693-5
Government of India,
Department of Commerce and Industry
Simla, 19th May 1911.

Copy forwarded to the Home Department for information and communication to the Director, Criminal Intelligence.

By Order, etc.
A. C. M. Walled.
Under Secretary to the Govt, of India,

List of papers forwarded
From the India Office
No. J. & P. 1430 dated 26th April 1911 and enclosures.

NOTES:

1 Real name Chhagan Khairaj Verma a native of Kathiawar (Gujrat) was a revolutionary and entered Canada under the assumed name of Hassan Rahim. He was a prominet leader of Ghadr party and was one of the persons who chartered *Komagata Maru* when it was around Vancouver. — *Ed.*

2 Guru Datt Kumar, B.A., originally from District Attock (now in Pakistan) reached Canada in 1907. He edited *"Swadwshi Sewak"* (in Gurmukhi script) whose entry in India was prohibited in March 1911. He played a key role in organizing Ghadr Movement particularly in East Asia. — *Ed.*

3 Sunder Singh (Doctor), originally of Qila Jiwan Singh, PS. Mandwan (Lahore), subsequently of village Pulkanjri (Amritsar) edited a paper *"Aryan"* from Vancouver (Canada). He also started a paper *"Sansar"* to ventilate the grievances of the Indian settlers in Canada. — *Ed.*

APPENDIX IV

Khalsa Advocate: Editorial: 26 June 1915 —

Guru Gobind Singh's Prophesy about the British Rule

The prophetic prescience of our holy Guru Tegh Bahadur, and how gloriously it was fulfilled to the letter in due course is now too well-known to the civilized world to call for a discussion here. It attracted the attention of the Press in 1903, when a Sikh prayer was held in honour of the late King Edward's coronation Darbar, and attended by the Sikh Maharajas/Rajas/ Reises, respectables and masses at Sees Ganj Delhi, the very spot where the Ninth Guru fell martyr to the cause of piety and peace. Then again in 1911, in honour of the auspicious occasion of the Coronation Darbar of His present Most Gracious Majesty, King Emperor George, a magnificent Sikh procession and prayer was held at Delhi which in its pomp and splendour far surpassed the function of 1903. As on the front wall of the Seesganj Temple, the centre of the celebrations, were emblazoned the words, 'Here lies the martyr Sikh Guru, who prophesied the advent of the British in India, they attracted the attention of each and every passerby, from His Excellency the Viceroy down to an ordinary official and individual. They were also noted by the representatives of the Foreign Press, and most probably by the agent of Reuter too, and have been referred to in the official accounts of the Darbar. It is, therefore, needless to say that the prophecy of the 9th Guru became a most interesting topic in those days, being talked over and discussed everywhere as such. Those fond of research went to the documentary evidence on which this wonderful information was based and its oldness satisfied everyone as to its unquestionable authenticity, so much so that our present popular Viceroy and Governor General, His Excellency Lord Hardinge of Peishurat, referred to it in his Delhi State Enty Darbar Speech in 1912 saying that the great Sikh prophet foretold approach of an empire greater than the great Mughal. History has the following account in the connection:–

One day as Guru Tegh Bahadur was at the top storey of his prison, the Emperor Aurangzeb thought he saw him looking towards the South in the direction of the imperial zenana. He was sent for the next day and

charged with, the grave breach of oriental etiquette and propriety. The Guru replied, "Emperor Aurangzeb, I was on the top storey of my prison, but I was not looking at thy private apartment or at thy queens. I was looking in the direction of Europeans who are coming from beyond the seas to tear down thy Pardas (veils) and destroy thy Empire. The Sikh writers state that these words became the battle-cry of the Sikhs in the assault on the mutineers in Delhi in 1857, under General John Nicholson, and that thus the prophecy of the 9th Guru was gloriously fulfilled. (The Sikh Religion by Macauliffe, Preface as well as Volume IV, quoting the Suraj Prakash, which is the oldest work on Sikh history.)

As we have already said, the prophesy of Sri Guru Tegh Bahadur has now become well known throughout the civilized world, but what his illustrious son and successor 10th Guru, foretold about this blessed Raj is known only to those selected few who are thoroughly acquainted with the Sikh history and have carefully scrutinized the Sikh annals, and we are afraid that among the European writers few except the late Mr. Macauliffe ever knew of it. And the most interesting feature is that Sri Guru Tegh Bahadur simply prophesied the advent of British nation in India, whereas Sri Guru Gobind Singh foretold about the British rule and did so more than once to wit, reference to the prophecy of his Divine Father, he and his inquisitive Sikhs, 'then shall the English com and their glory increase' while 'the glory of the Turks shall fade away'. (Sikh Religion by Macauliffe, Volume V, page 107 based on Surak Prakash, III, Chapter 37). Again when Bir Singh, Madan Singh, a Rajput chief, and Sham Singh visited the Guru, the last one had pointed out to him that the Muhammadans and Hindus were very numerous, and how could the Sikh's who were a few contend against them, much less hope to obtain empire, the Guru replied:–

> "What God Wileth shall take place? When the army of Turks cometh, my Sikhs shall strike steel on steel. The *Khalsa* shall then awake, and know the play of battle. Amid the clash of arms, the *Khalsa* shall be partners in present and future bliss tranquility, meditation, virtue and divine knowledge. Then shall the English come, and joined by the *Khalsa* rule as well in the East as in the west. The holy Baba Nanak shall bestow all wealth on them. The English shall possess great power and by force of arms take possession of many principalities. The combined armies of the English and the Sikhs shall be very powerful as long as they rule with united councils. The Empire of the English shall vastly

increase, and they shall in everyway attain prosperity; wherever they take their armies, they shall conquer and bestow thrones on those who assist them. Then in every house shall be wealth, in every house happiness, in every house rejoicing, in every house religion, in every house learning and in every house a woman."

Can there be a cleaver and more definite apocalypse than this? The 10th Guru not only foretells the advent of the British but also explicitly forecasts what the Sikhs will do in association with them, not only in India or Asia but also in France, Germany and Italy, and explained about two centuries before the blessings of the present humane rule, viz., wealth happiness rejoicing religion learning etc... and how completely this prophecy has been fulfilled, has been witnessed even by children in the present age of trade, peace, justice, reform and education. That the valiant sons of the Great Guru are now fighting in the west under the blessed British Flag, has certainly given the finishing touch to the beauty with which the prescience has been fulfilled up-to-date.

Sceptics may point out it is a mere story concocted by the late Mr. Macauliffe. But they will be perfectly satisfied when they know that Mr. Macauliffe did not add a single word to what he culled from the Suraj Prakash on the subject as that great work being older than the English rule in the Punjab, none could venture to doubt the veracity of its version. Its author Bhai Santokh Singh was born in 1825 A.D. or say 90 years ago, when the Sikh monarchy under Maharaja Ranjit Singh being in its fullest swing, none could even dream of the English so much prospering and the Sikhs fighting under their flag. The Sikhs rather fought against the English, a score of years after that, and it was a dozen of years after still (in 1857) that they joined with them against the mutineers. There can, therefore, be not a shadow of doubt as to the truth of the statement being unchallengeable throughout, and every Sikh and admirer of the Tenth Guru should feel proud that Sri Guru Tegh Bahadur foretold the advent of the British and Guru Kalgidhar forecasts their work in India, over a century and a half before they actually became a paramount power. In our future issues we will show how the Sikhs have always proved faithful to their Guru's commands in this Connection.

APPENDIX V

Khalsa Advocate: Editorial: 18 September 1915 —

The Lahore Conspiracy Case

As we have announced elsewhere, the Special Tribunal delivered on the 13 instant their judgement in the Lahore Conspiracy Case which had taken them over 4 months together to hear. Of the 61 accused 24 have been sentenced to death 27 to transportation for life, and 6 to various terms of imprisonment while four have been acquitted. The offences the convicted accused have been charged with (under section 121, 121A and 124 A. I.P.C.) are certainly the most horrible and heinous - viz. (a) the seduction of Indian Troops (b) the massacre of all loyal subjects and officials (c) the setting up of a revolutionary flag (d) the breaking of Jails (e) the looting of treasuries (f) the seduction of youths (g) the propagation of seditious literature (h) union with foreign enemies (i) the commission of dacoties (j) the procuring of arms (k) the manufacture of bombs (l) the foundation of secret societies (m) the looting of thanas (n) the destruction of railways and telegraphs, and (o) the seduction of villagers! Now if these cannibals had succeeded in any of (even if not in all) of their infernal designs, the loss of lives consequent thereupon and the universal consternation and horror it would have caused, can better be imagined than described! But thanks to the Omniscient Waheguru, the bubble of the evil burst and the secret leaked out only a couple of days or so before the date (22nd February 1915) fixed for the general rising. And this testifies to the benign British Government being acceptable to the Creator Who is always the most particular about the safety of His creatures. The Press (Indian as well as Anglo-Indian) is unanimous in condemning, in the strongest possible terms, this most contemptible movement ever witnessed in India, as well as in agreeing to the appropriateness of the sentenced awarded, though some (particularly the Panjabi and the Bengalee) have recommended mercy as best suiting the magnanimity of the humane British Raj. But that some of the prominent conspirators have also been recommended to mercy, proves

that the conscientious commissioners have not erred on this side.

As the list given elsewhere shows, majority of the convicted persons bear Sikh names - a feature, which we are afraid, is sure to mislead the uncritical reader so as to think that a batch of Sikhs has been the prime founder, organizer and promoter of this hateful movement, though among the conspirators there were also Hindus and Muhammadans. But if it were known that all of these ruffians are as un-Sikhs as their dark deeds, most of them having their heads and chins shaved clean. It is a well-known fact that almost all the inhabitants (Hindus, Moslems and even Sweepers) of the part of the country to which the conspirators mostly belong, wear long hair on their heads and tie their long beards, but generally smokers and given to criminality as they are, they can never be called members of the peaceful and law abiding Sikh nation, which is most averse to smoking and such like others evils. For instance, the very devil incarnate, the wretched Bhagwan Singh, who has played so great a part in inciting these stupid jats living in Canada as well as elsewhere out of India is said to be an apostate from Sikhism - a non-haired as well as a smoker! To conclude, therefore, from the bare and mere name that the ringleader Bhagwan Singh and his accused followers who bear 'Singh' after their followers of the 10 Gurus, is to commit the greatest blunder in presence of facts and reality! This is why the just and conscientious commissioners have not refrained from remarking that it was an isolated attempt and that the majority is ultra loyal to the crown. But as all the people concerned and the world at large are not expected to go through the 300 printed pages of the judgement and search this single remark, it is quite in the fitness of things and absolutely necessary for the satisfaction and further encouragement in duty of the loyal Sikh nation, that the Panjab Government issue a Press Communiqué to this effect, and we fervently hope that our present wide awake Lieutenant Governor (Sir Michael O' Dwyer) will not fail to do so.

The Commissioners have rightly observed that some have been mere tools in the hands of others. And this is true and absolutely true. A crafty and clever person can easily induce a simpleton to murder another person, holding out to him many promise, however, unrealizable and impossible. Similarly those arch anarchists, Hardyal and Bhai Parmanand, could easily misguide the uneducated Jats, who were accustomed to pick up quarrels and commit murders on matters trivial and insignificant. That one of the two has met his deserts, while a similar end awaits the

other, we mean the hateful Hardayal, is just what every peaceful and loyal mind would be pleased to know. And it is not out of place to assert here that those unfortunate men that have acted upto their fiendish instructions have conducted themselves against what the *Singh Sabha* propaganda has been so particularly and loudly preaching for the past 40 year! The *Singh Sabha* set it forth as a formulae (basing it on the religio loyal teachings of the Sat Gurus) that whosoever disobeys the 10 Gurus and misbehaves himself in any way against the blessed British Government, is not a Sikh. The enormous literature so far published by the late *Khalsa* Diwan, the *Chief Khalsa Diwan*, the present leading and representative body of the Panth, the *Khalsa* Tract Society, the Sikh Educational Conference and the so many *Singh Sabhas*, Associations and Diwans, contains nothing but expositions and expostulations of this veery formulae. And it is those that under the influence of non-Sikh (un-Sikh or anti-Sikh rather) political vagabonds, deviated from this purely and proverbially Sikh principle, that have been so condemned without deserving any the least mercy. We say the ringleaders don't deserve mercy and say it without the least fear of contradiction. Pray imagine what treatment will you accord to the wretch, who attempts at burning your houses as well as harvest and murdering you and your family! What treatment other than pelting to death, causing to be torn by dogs or tigers or trampled upon by elephants would have been meted out to these miscreants, had they appeared in the Mughal times? Is their still a room for doubt or denial that these internal incendiaries proposed extirpating the long and firm established British Empire putting to fire and the sword the Government buildings and innocent subjects respectively, looting the public and private houses, seducing the faithful armies, and what not? If not, why then to show any the least sign of regret at the sentences awarded to such enemies of mankind and humanity? The devil Hardyal is away from the British territory, eking his miserable existence somewhere under the support of Germany, or else he would have seen and tasted the bitter fruit of his hellish endeavours and meet the fate of his lieutenant, Bhai Parma Nand. An infernal being, he has been supported and fed by able very blessed British Government against which he led his accursed conspiracy and caused the ruin and death of those that followed him. It is true as the Punjabee has remarked, that India has never seen such a tremendous trial resulting in death sentences being awarded to so many. But this also is equally true that never before this there has been

such a deliberate elaborate shararat, with such fiendish aims and objects. And so far as the loyal Sikh nation is concerned, these arch anarchists have left no stone unturned to sully its reputation and popularity, though, by God's grace and thanks to the conscientiousness of the wide awake Government authorities, it is still as unimpeachable as ever. Nay it is rather more than ever, and the dark hearted incendiaries, who tried to throw dust into the eyes of the officers and the public by making a tool of a set of un-Sikh adventurers bearing the Sikh names - are there, rotting in the Jail, awaiting their well deserved ends, while the, devoted *Khalsa* is still ass willing to devote his all to his beloved Sovereign as his brothers of the 47th, 14th, 15th, and other renowned regiments have done in the Front!

Thus though the Government may not refrain from doing mercy by commuting the sentences in all or some certain cases; but there can be no doubt in the thoroughness of the trail and appropriateness of sentences. In that case we would most respectfully suggest that preference be given, to those who acted as mere tools, over the instigators. Verily it is a good lesson for those that still stagger on the *path* of loyalty, to learn!

Source: Appendices (IV) and (V) Microfilm at Nehru Museum and Library Teen Murti, New Delhi. Courtesy: Mr. Sita Ram Bansal.